



Montgomery County Maryland

THE
MEETING TRANSCRIPT
OF THE
COUNTY COUNCIL

The Transcript of The Montgomery County Council



May 10, 2005

TRANSCRIPT

-- May 10, 2005 --

MONTGOMERY COUNTY COUNCIL

PRESENT

Thomas Perez, President
Phil Andrews
Howard Denis
Marilyn J. Praisner

George Leventhal, Vice President
Michael Knapp
Nancy Floreen
Steven A. Silverman
Michael Subin

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1 **COUNCIL PRESIDENT PEREZ:** YES, WE DO. PETITION FROM CITIZENS OF
2 MONTGOMERY COUNTY SUPPORTING FULL FUNDING OF \$200,000 FOR A
3 SENIOR STRATEGIC PLAN. WE HAVE PETITIONS FROM RESIDENTS OF
4 MONTGOMERY COUNTY SUPPORTING FUNDING FOR PROGRAMS TO SERVE
5 POOR AND VULNERABLE PEOPLE, INCLUDING HEALTHCARE, AFFORDABLE
6 HOUSING, SOCIAL SERVICES, SENIOR SERVICES, GANG PREVENTION.
7 PETITIONS FROM CITIZENS, RESIDENTS OF MONTGOMERY COUNTY
8 SUPPORTING FULL FUNDING FOR THE M.C.P.S. BUDGET. A PETITION
9 FROM RESIDENTS OF MONTGOMERY COUNTY SUPPORTING THE TOP BANANA
10 HOME-DELIVERED FUNDING REQUESTS OF '06. AND THANK YOU TO ALL
11 THOSE WHO SIGNED THE PETITIONS. MOVING TO CONSENT CALENDAR.

12
13 **SPEAKER:** MOVE APPROVAL.

14
15 **COUNCIL PRESIDENT PEREZ:** MOVED AND SECONDED. ANY DISCUSSION ON
16 THE CONTENT CALENDAR? MS. FLOREEN?

17
18 **COUNCILMEMBER FLOREEN:** YES, THANK YOU, MR. PRESIDENT. I JUST
19 WANTED TO COMMENT ON ITEM B, THE H.H.S. COMMITTEE REPORT AND
20 RECOMMENDATIONS ON THE O.L.O. REPORT ON SENIORS. I HAD
21 REQUESTED THAT THIS STUDY BE CONDUCTED LAST YEAR AND I AM --
22 WANTED TO EXPRESS MY APPRECIATION TO STAFF FOR PRODUCING
23 REALLY AN EXCELLENT DOCUMENT. MY CONGRATULATIONS TO SCOTT
24 BROWN AND HIS COLLEAGUES. AND I JUST WANTED TO NOTE THAT THE
25 WHOLE POINT OF THIS WAS TO SEE WHERE THE GAPS WERE, TO

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1 IDENTIFY THE ORGANIZATIONAL OBJECTIVES. AND MAKE SURE THAT
2 WHAT'S HAPPENING IS THAT SENIOR ACTIVITIES ARE COORDINATED AND
3 NOT AT CROSS-PURPOSES OR DUPLICATIVE. WHAT IT SHOWED IS THAT
4 14% OF COUNTY SPENDING ON SENIOR SERVICES WENT FOR
5 TRANSPORTATION. ONE OUT OF EVERY THREE COUNTY DOLLARS FOR
6 SENIORS WENT FOR HOUSING ASSISTANCE. AND, REALLY, WHAT O.L.O.
7 FOUND WAS THAT THESE SERVICES, MUCH NEEDED, ARE ALSO WELL-
8 COORDINATED. AND THAT THE SENIOR INFORMATION AND ASSISTANCE
9 PROGRAM SERVES AS A TREMENDOUS POINT OF CONTACT FOR STAFF TO
10 ORGANIZE THEIR ACTIVITIES. WE SPENT \$32 MILLION LAST YEAR TO
11 SUPPORT PROGRAMS DIRECTED AT SENIORS. IT APPEARS TO BE PRETTY
12 WELL TARGETED TO MEET THE NEED. AND I KNOW THAT WE CAN IMPROVE
13 THINGS BUT AT LEAST WE KNOW WHAT WE'RE DOING IN AN ORGANIZED
14 FASHION AND I THINK THIS IS A VERY PRODUCTIVE STUDY AND I
15 WANTED TO THANK YOU FOR YOUR HARD WORK, SCOTT. THANK YOU.

16
17 **COUNCIL PRESIDENT PEREZ:** THANK YOU. MR. DENIS, I SEE THERE ARE
18 ELECTION RETURNS.

19
20 **COUNCILMEMBER DENIS:** YES, THANK YOU, MR. PRESIDENT. AND AS
21 CHIEF JUDGE IN THE FRIENDSHIP HEIGHTS ELECTION, ONCE AGAIN,
22 I'M PLEASED TO MAKE THE REPORT.

23
24 **COUNCIL PRESIDENT PEREZ:** YES, YES.

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1 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

2

3 **COUNCILMEMBER DENIS:** NO, I ACTUALLY HAD DUTIES TO PERFORM THIS
4 YEAR AND INQUIRIES FROM THE LEAGUE OF WOMEN VOTERS. BUT FIRST
5 LET ME CONGRATULATE THE WINNERS. ELIZABETH DEMETRA HARRIS,
6 ALVAN M. MORRIS, LEONARD E. MUDD, ROBERT M. SCHWARZBART,
7 MAURICE J, TREBACH, FRANK VALEO, AND MELANIE ROSE WHITE, WHO
8 IS THE MAYOR. AND FRANK VALEO, I THINK EVERYONE KNOWS, BUT IF
9 NOT I'LL HAPPY TO MENTION IT AGAIN. HE'S ONE OF THE MORE
10 FAMOUS PEOPLE IN OUR COMMUNITY BECAUSE HIS NAME APPEARS ON A
11 SUPREME COURT CASE. BUCKLEY VERSUS VALEO. FRANK VALEO WAS THE
12 HEAD OF THE ELECTION COMMISSION THAT WAS ONE OF THE LITIGANTS
13 IN THAT LANDMARK SUPREME COURT DECISION, WHICH HE DISAGREES
14 WITH, BY THE WAY, ALONG WITH MANY OTHER PEOPLE. BUT IN ANY
15 EVENT, WE'RE VERY HONORED TO HAVE MR. VALEO AND, OF COURSE,
16 ALL OF OUR RESIDENTS. AND I ALSO WANT TO CONGRATULATE THOSE
17 WHO FELL SHORT FOR ENTERING INTO THE PROCESS AND THE SYSTEM.
18 IT WAS A VERY SPIRITED ELECTION. JULIAN MANSFIELD IS HERE TO
19 OFFICIALLY PRESENT THE CERTIFICATION THAT I SIGNED LATE LAST
20 NIGHT. THESE WERE PAPER BALLOTS --

21

22 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

23

24 **COUNCILMEMBER DENIS:** OF COURSE THE POLLS OPENED AT 7:00 AND
25 CLOSED AT 8 P.M. AND WE FINISHED OUR TALLY AROUND 11 P.M. AND

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1 WITHOUT THE LEAGUE OF WOMEN VOTERS I DON'T KNOW IF WE COULD
2 HAVE DONE IT. THE LEAGUE OF WOMEN VOTERS WAS ABSOLUTELY
3 SPECTACULAR. ONCE AGAIN, BECAUSE THIS WAS A HIGHLY-CONTESTED
4 ELECTION THERE WERE CHALLENGES AND VOIDED BALLOTS AND A LOT OF
5 INTEREST. AND ALSO, BY THE WAY, THE WAY THAT THE BALLOT STUBS
6 WERE KEPT TOGETHER WAS WITH NEEDLE AND THREAD. DOES THAT SOUND
7 FAMILIAR? NEEDLE AND THREAD WERE PUT THROUGH THE BALLOT STUBS
8 AND KEPT SEPARATELY, JUST LIKE THE COLLEGE OF CARDINALS. SO
9 THAT'S THE WAY --

10

11 **COUNCILMEMBER FLOREEN:** WAS THERE WHITE SMOKE?

12

13 **COUNCILMEMBER DENIS:** NO. SOME PEOPLE MIGHT HAVE WANTED SOME
14 KIND OF SMOKE. BUT WE DIDN'T HAVE THAT.

15

16 **COUNCILMEMBER FLOREEN:** AS LONG AS THERE WERE NO MIRRORS.

17

18 **COUNCILMEMBER DENIS:** YEAH, RIGHT. WE HAVE ENOUGH SMOKE AND
19 MIRRORS FROM TIME TO TIME. BUT I DO WANT TO PARTICULARLY THANK
20 JUDY NEWMAN OF LEAGUE OF WOMEN VOTERS, WHO I COORDINATED WITH
21 IN THE RUN-UP TO THE ELECTION. AND KATHY ZIFFER AND JOAN
22 TRAFTON, BARBARA SANDERS, JOE REYNOLDS, MILPE JEFFREYS AND
23 GRANT REYNOLDS. BY THE WAY, I DISCOVERED -- I THINK WE ALL
24 KNOW MILPE JEFFREYS FROM HER APPEARANCE FROM THE COUNCIL. I
25 DISCOVERED LAST NIGHT THAT HER FIRST NAME IS MILPOMENE, THAT

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1 MILPE IS ACTUALLY A SHORTENED VERSION OF HER NAME. IT IS GREEK
2 FOR MUSE OF TRAGEDY. SO IT'S KIND OF LIKE THE NAME DOLORES, I
3 GUESS, IF YOU ARE CURIOUS. BUT ANYWAY, SO WE HAD A WONDERFUL
4 ELECTION. AND AGAIN, I CONGRATULATE THE WINNERS AND THANK THE
5 LEAGUE FOR THEIR HELP IN MAKING THIS ELECTION POSSIBLE AND
6 JULIAN MANSFIELD AND HIS WONDERFUL STAFF IN THE VILLAGE.

7

8 **COUNCIL PRESIDENT PEREZ:** THANK YOU, MR. DENIS, FOR YOUR
9 INVOLVEMENT. OKAY. NO OTHER LIGHTS ON THE CONSENT CALENDAR.
10 ALL THOSE IN FAVOR SIGNIFY BY RAISING YOUR HANDS? UNANIMOUS
11 AMONG THOSE PRESENT. WE WILL MOVE TO THE DISTRICT COUNCIL
12 SESSION. AGENDA ITEM NUMBER THREE, RESOLUTION TO EXTEND TIME
13 FOR COUNCIL ACTION ON THE SHADY GROVE SECTOR PLAN UNTIL --
14 [OVERLAPPING VOICES]

15

16 **COUNCIL PRESIDENT PEREZ:** UNTIL DECEMBER OF '08 -- [LAUGHTER]

17

18 **COUNCILMEMBER PRAISNER:** THAT MAY BE TOO SOON.

19

20 **COUNCIL PRESIDENT PEREZ:** RIGHT. IS THAT ENOUGH TIME, MR.
21 ANDREWS? UNTIL JULY 15TH OF 2005. BOY, I WISH I COULD SAY THAT
22 THIS WILL BE THE LAST TIME WE WILL BE TAKING UP A RESOLUTION
23 OF THIS NATURE. I THINK I WOULD BE -- I THINK I WOULD BE WRONG.
24 AS A MATTER OF FACT I KNOW I WOULD BE WRONG, SO I MIGHT AS
25 WELL ACKNOWLEDGE THAT RIGHT NOW. OKAY. THIS IS AN ACTION ITEM

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1 THAT WE CAN JUST -- THIS IS JUST A -- ALL THOSE IN FAVOR, OKAY,
2 SIGNIFY BY RAISING HANDS. UNANIMOUS AMONG THOSE PRESENT. THE
3 NEXT ITEM, 3.1, IS RECONSIDERATION AND RE-ADOPTION OF
4 RESOLUTION TO DENY HEARING EXAMINER'S REPORT AND
5 RECOMMENDATION, G-819, HAMPDEN LANE. MR. WILSON, DO YOU WANT
6 TO --

7

8 **MR. WILSON:** LET ME SAY THAT...

9

10 **COUNCIL PRESIDENT PEREZ:** JUST A LITTLE BACKGROUND ON WHY WE
11 ARE BACK HERE WITH THIS ISSUE.

12

13 **MR. WILSON:** YES, SINCE THE APRIL 12TH VOTE TO DENY THE LOCAL
14 MAP AMENDMENT G-819, THE VOTE WAS DIFFERENT THAN THAT HAD BEEN
15 RECOMMENDED BY THE HEARING EXAMINER SO WE DID NOT HAVE A
16 DENIAL RESOLUTION. THE COUNTY ATTORNEY HAS SINCE PREPARED A
17 DENIAL RESOLUTION, WHICH IS THE USUAL PRACTICE. AND SINCE IT
18 WAS NOT A STRAW VOTE APRIL 12TH WE NEED TO RECONSIDER THAT FOR
19 COURT PURPOSES TO HAVE AN OFFICIAL RESOLUTION ADOPTED BY THE
20 COUNCIL. AND THAT'S ATTACHED TO MY COVER MEMO.

21

22 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER?

23

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1 **COUNCILMEMBER PRAISNER:** I DON'T UNDERSTAND WHY IT'S A
2 RESOLUTION TO RECONSIDER IF WE'RE JUST ADOPTED THE WRITTEN
3 DOCUMENT WHICH REFLECTS THE ACTION TAKEN BY THE COUNCIL.

4

5 **MR. WILSON:** WE DEBATED THAT AND THE COUNTY ATTORNEY FEELS MORE
6 COMFORTABLE IF WE HAVE A RESOLUTION VOTED ON IN OPEN SESSION.

7

8 **COUNCILMEMBER PRAISNER:** WELL, I CAN UNDERSTAND ADOPTING A
9 RESOLUTION IN OPEN SESSION, WHICH IS DRAFTED TO REFLECT THE
10 COUNCIL ACTION, BUT I DON'T UNDERSTAND WHY WE'RE CALLING IT A
11 RECONSIDERATION, SINCE IT IS NOT A RECONSIDERATION IF WE'RE
12 ADOPTING A RESOLUTION THAT REFLECTS THE COUNCIL'S ACTION.

13

14 **COUNCIL PRESIDENT PEREZ:** MR. HANSEN, MAYBE --

15

16 **MR. HANSEN:** THE USUAL PRACTICE HAS BEEN THAT IN THOSE
17 SITUATIONS WHICH THE COUNCIL DECIDES TO GO IN A DIFFERENT
18 DIRECTION FROM THE HEARING EXAMINER IS THAT A STRAW VOTE IS
19 TAKEN. MY UNDERSTANDING IS THAT THE MINUTES DO NOT REFLECT
20 THAT IT WAS A STRAW VOTE BUT IT WAS INTENDED TO BE THE FINAL
21 COUNCIL ACTION, SO THEREFORE WE FELT THAT PROCEDURALLY IT WAS
22 CLEARER IF IT WAS TREATED AS A RECONSIDERATION AND READOPTION
23 OF THE RESOLUTION.

24

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1 **COUNCILMEMBER PRAISNER:** MY ONLY PROBLEM IS THAT, THAT LEAVES
2 AN IMPRESSION FOR THE COMMUNITY THAT WE'RE OPENING UP THE
3 ISSUE AGAIN FOR RECONSIDERATION. AND SO MAYBE IT'S A SEMANTICS
4 ISSUE BUT, FOR ME, SUGGESTING WE'RE GOING TO RECONSIDER WHAT
5 WE DID RAISES QUESTIONS OF THEN FOLKS, ESPECIALLY IN THE
6 INTERIM WHERE THERE'S NO PERHAPS -- I'M NOT SURE WHAT THE
7 RULES OF EX PARTE ARE IN AN INTERIM BUT SINCE WE'VE ALREADY
8 TAKEN ACTION AND NOT PERHAPS NOT FORMALLY ADOPTED IT... IT
9 TROUBLES ME THAT WE'RE LEAVING AN IMPRESSION THAT WE'RE
10 RECONSIDERING WHAT WE DID, SO THAT IS THE PROBLEM I HAVE. IF
11 WE'RE FORMALLY ADOPTING A MOTION TO REFLECT THE COUNCIL'S
12 ACTION OF A PREVIOUS DATE WHEN THE DOCUMENT WAS NOT AVAILABLE
13 -- AND MAYBE THAT'S NOT WHAT YOU CAN WRITE BUT THERE IS
14 ANOTHER WAY. MY PROBLEM IS WHEN WE'RE SAYING THAT WE'RE
15 RECONSIDERING.

16
17 **MR. WILSON:** I DON'T KNOW IF THERE IS ANOTHER WAY TO DO IT THEN.
18 WE'D HAVE TO GET SOME ADVICE ON THAT.

19
20 **COUNCIL PRESIDENT PEREZ:** MR. DENIS?

21
22 **COUNCILMEMBER DENIS:** YEAH, THANK YOU, MR. PRESIDENT. I THINK
23 MRS. PRAISNER'S CONCERNS ARE RIGHT ON THE MARK. WE DO NOT HAVE
24 TO DO THIS, IN MY HUMBLE OPINION. AND IT'S MY UNDERSTANDING
25 THAT A LETTER THAT THE COUNCIL PRESIDENT RECEIVED AND WAS

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1 CIRCULATED FROM THE BETHESDA CIVIC COALITION IS A MATTER OF
2 RECORD -- IT'S A MATTER OF THE RECORD -- IT'S IN THE RECORD.
3 OKAY. WELL, THIS LETTER PRETTY MUCH INCORPORATES MY OWN VIEWS
4 OF THE SITUATION. IT'S MY UNDERSTANDING THAT WE HAVE TWO
5 THINGS BEFORE US TODAY. WE HAVE A DENIAL RESOLUTION AND THAT
6 SOMEHOW WE HAVE A MOTION TO WITHDRAW THAT IS BEFORE US.

7

8 **MR. WILSON:** BUT YOU DON'T REALLY HAVE THE MOTION. YOU HAVE A
9 LETTER FROM THE APPLICANT REQUESTING WITHDRAWAL.

10

11 **COUNCILMEMBER DENIS:** OKAY. YES. AND MAYBE ONE OF THESE DAYS WE
12 CAN WALK THE CAT BACK ON THAT ONE AND FIND OUT HOW WE GOT TO
13 THIS POINT. BUT JUST SO MY POSITION IS CLEAR, I SUPPORT THE
14 DENIAL RESOLUTION TODAY BUT I OPPOSE OR WOULD OPPOSE, HOWEVER
15 THE CASE MAY BE, ANY MOTION TO WITHDRAW BECAUSE THE COUNCIL
16 HAS ALREADY VOTED TO DENY. AND IN MY OPINION THERE IS NO
17 REASON TO GIVE THE APPLICANT YET ANOTHER BITE OF THE APPLE.

18

19 **COUNCIL PRESIDENT PEREZ:** OKAY. I SEE NO OTHER LIGHTS. I GUESS
20 MY QUESTION -- I'M TRYING TO FIGURE OUT IF THERE ARE TWO OTHER
21 -- MR. DENIS, I THINK, MAKES THE POINT THAT THERE ARE REALLY
22 TWO SEPARATE ISSUES HERE. ONE IS THE ISSUE OF THE ADOPTION --
23 FORMAL ADOPTION OF THE RESOLUTION DENYING THE APPLICATION. AND
24 THEN THERE'S THE -- WHAT I BELIEVE IS A SEPARATE ISSUE OF A
25 REQUEST TO WITHDRAW THE APPLICATION. AND I GUESS IF I'M

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1 THINKING THROUGH THIS LOGICALLY, ONE COULD ARGUE THAT YOU
2 WOULD TAKE THE SECOND ONE FIRST.

3

4 **MR. WILSON:** I THINK THAT WOULD BE THE ORDER OF BUSINESS, YEAH.

5

6 **COUNCIL PRESIDENT PEREZ:** BECAUSE OBVIOUSLY IF YOU'RE GOING TO
7 GRANT A REQUEST TO WITHDRAW AN APPLICATION THEN YOU WOULDN'T
8 DO A DENIAL RESOLUTION.

9

10 **MR. WILSON:** YOU WOULDN'T HAVE THE AUTHORITY TO DO IT AFTER THE
11 CASE IS DECIDED ON ITS MERITS.

12

13 **COUNCIL PRESIDENT PEREZ:** SO I GUESS PERHAPS THE FIRST ISSUE
14 SHOULD BE -- THERE WAS A REQUEST TO WITHDRAW THE APPLICATION.
15 AND NOW I GUESS I'M LOOKING OVER AT MR. HANSEN TO -- FOR A
16 LITTLE BIT OF GUIDANCE ON WHETHER WE NEED TO TAKE AN UP OR
17 DOWN VOTE ON THAT. HAS THAT ISSUE BEEN JOINED SUFFICIENTLY --

18

19 **MR. HANSEN:** I'M SORRY, THE THAT REFERS TO --

20

21 **COUNCIL PRESIDENT PEREZ:** THE THAT IS THE REQUEST BY APPLICANT
22 FOR WITHDRAWAL OF THE APPLICATION. I'M READING THE, I'M
23 READING PAGE 1 OF AGENDA ITEM 3.1, WHICH TALKS ABOUT REQUEST
24 BY APPLICANT. AND AFTER THE APRIL 12TH VOTE WAS TAKEN AND
25 REQUEST RECEIVED, I DO RECALL REVIEWING THAT. AND I THINK IT

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1 IS PART OF -- IF YOU LOOK AT CIRCLE 21, IT IS PART OF THE
2 PACKET THERE. AND IT SEEMS TO ME IN TERMS OF PERFECTING THE
3 RECORD, SUCH AS IT IS, WE SHOULD PROBABLY ACT ON THAT THIS
4 MORNING.

5

6 **MR. WILSON:** I THINK, WHAT I'VE BEEN ADVISED, IF YOU DECIDE YOU
7 WANT TO DO THAT YOU WOULD HAVE TO RECONSIDER AND VACATE THE
8 PREVIOUS DECISION BECAUSE YOU CAN'T GRANT THE WITHDRAWAL AFTER
9 THE DECISION'S BEEN MADE ON ITS MERITS.

10

11 **COUNCIL PRESIDENT PEREZ:** OKAY.

12

13 **COUNCILMEMBER DENIS:** MR. PRESIDENT?

14

15 **COUNCIL PRESIDENT PEREZ:** YES. MR. DENIS?

16

17 **COUNCILMEMBER DENIS:** THIS IS HIGHLY UNUSUAL. THIS IS HIGHLY
18 UNUSUAL! I MEAN, HAS ANYONE EVER HEARD OF SOMETHING LIKE THIS
19 BEFORE? I MEAN MAYBE I GUESS THERE MUST HAVE BEEN SOMETHING
20 WAY BACK WHEN BUT I JUST -- IT'S HIGHLY UNUSUAL. [OVERLAPPING
21 VOICES]

22

23 **MR. WILSON:** ON MANY OCCASIONS IN THE PAST HAS AUTHORIZED A
24 WITHDRAWAL WITHOUT PREJUDICE, WE CALLED IT, BEFORE A CASE HAS
25 BEEN DECIDED SO THAT...

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1

2 **COUNCILMEMBER DENIS:** HOW IS THIS MATTER BEFORE THE COUNCIL?

3

4 **MR. WILSON:** IT WAS FORMALLY REQUESTED --

5

6 **COUNCILMEMBER DENIS:** HOW DID THIS GET ON THE AGENDA?

7

8 **MR. HANSEN:** WELL, WE...

9

10 **COUNCILMEMBER DENIS:** OKAY. WELL ANYWAY IT'S HERE. BUT I'LL

11 REPEAT WHAT I SAID BEFORE. I WOULD OPPOSE THE MOTION TO

12 WITHDRAW.

13

14 **COUNCIL PRESIDENT PEREZ:** OKAY. THERE WAS A -- [SPEAKER NOT

15 UNDERSTOOD]

16

17 **COUNCIL PRESIDENT PEREZ:** RIGHT. THERE IS A REQUEST -- AND

18 THAT'S WHY I WAS TURNING TO MR. HANSEN. THERE'S A REQUEST FROM

19 THE APPLICANT EMBODIED IN CIRCLE 21 TO WITHDRAW THE

20 APPLICATION. AND THE QUESTION I WAS ASKING WAS, WHETHER WE

21 NEED TO DO -- TWO THINGS HERE. ACT ON THAT, NUMBER ONE; THEN

22 SECONDLY, IF THE ANSWER TO THE REQUEST FOR WITHDRAWAL IS NO,

23 THEN GO TO STEP TWO AND FORMALLY DENY THE PETITION.

24

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1 **MR. HANSEN:** HUH-UH. THAT WOULD BE THE ABSOLUTE CLEANEST WAY
2 PROCEDURALLY TO HANDLE IT. VOTE TO RECONSIDER, VOTE TO DENY
3 THE WITHDRAW AND THEN ADOPT A DENIAL RESOLUTION, ALTHOUGH IT
4 MAY NOT BE THE ONLY WAY PROCEDURALLY TO DO THIS. THE OTHER WAY,
5 IF THE COUNCIL'S INTENT IS TO ADOPT THE DENIAL RESOLUTION, I
6 THINK YOU COULD JUST SIMPLY MOVE DIRECTLY TO THAT POINT. I
7 THINK IT CARRIES WITH IT THE IMPLICATION THAT YOU ARE, AS MS.
8 PRAISNER POINTED OUT, CONFIRMING WHAT YOU HAD DONE, I GUESS IT
9 WAS TWO WEEKS AGO NOW AND CARRIES WITH IT THE IMPLICIT
10 UNDERSTANDING THAT YOU ARE REOPENING THE MATTER, AT LEAST FOR
11 THE SOLE PURPOSE OF FORMALIZING WHAT YOU DID TWO WEEKS AGO BY
12 ADOPTING A WRITTEN RESOLUTION.

13
14 **COUNCIL PRESIDENT PEREZ:** RIGHT. MR. SILVERMAN?

15
16 **COUNCILMEMBER SILVERMAN:** THANK YOU, MR. PRESIDENT. LET ME TRY
17 IT THIS WAY. I'M NOT SURE THAT I APPRECIATED WHEN I JOINED ALL
18 OF MY COLLEAGUES IN VOTING AGAINST THIS, THE FACT THAT THERE
19 WAS A THREE-YEAR BAN ON COMING BACK. MY POSITION WAS I DIDN'T
20 LIKE THE PROJECT IN FRONT OF ME. AND I KNOW THERE WAS A
21 QUESTION AT SOME POINT. I MAY HAVE ASKED IT AND GOTTEN AN
22 ANSWER THAT, YES, IF WE TURN THIS THING DOWN IT MEANS THAT
23 IT'S THREE YEARS BEFORE SOMETHING COMES BACK. I DON'T KNOW
24 WHERE THE REST OF THE COUNCIL IS. I THINK THE IDEA OF
25 WITHDRAWING AN APPLICATION IN EFFECT AFTER THE COUNCIL HAS

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1 MADE A DECISION MAKES NO SENSE WHATSOEVER. THE QUESTION
2 PROCEDURALLY I WANTED TO KNOW IS WHETHER THERE IS, IN FACT, A
3 THIRD OPTION IF THE COUNCIL CHOOSES TO DO THAT, WHICH IS WHAT
4 THE COUNCIL HAS DONE IN OTHER CASES, WHICH IS TO SAY, WELL,
5 WE'RE TURNING DOWN WHAT'S IN FRONT OF US WITH THE RIGHT OF THE
6 APPLICANT TO REVISE THEIR PLAN AND COME BACK AT SOME POINT
7 WITH SOMETHING THAT, IN THIS CASE, FRANKLY WOULD BE A LOT
8 CLOSER TO THE MASTER PLAN, WHICH IS, I THINK, THE DISCUSSION
9 THAT WE WERE ESSENTIALLY HAVING HERE, IS THAT -- AT LEAST THAT
10 WAS MY SENSE -- IS THAT WE HAD PROBLEMS WITH THE PROJECT IN
11 TERMS OF WHETHER IT COMPLIED OR DIDN'T COMPLY WITH THE MASTER
12 PLAN. SO I'M NOT -- I MEAN, THIS IDEA OF TWO BITES AT THE
13 APPLE I'M NOT SURE IS CORRECT. THE FACT OF THE MATTER IS, THE
14 COUNCIL CAN SEND STUFF BACK AND THEY CAN HAVE 12 BITES AT THE
15 APPLE UNTIL THE COUNCIL DECIDES THAT IT'S GOING TO APPROVE A
16 PROJECT. BUT MY UNDERSTANDING IS THE CONSEQUENCES OF AN
17 OUTRIGHT DENIAL ARE THAT THIS PROJECT DOESN'T COME BACK FOR
18 THREE YEARS AND THEREFORE NOTHING HAPPENS WITH THE SITE FOR AT
19 LEAST THREE YEARS.

20
21 **MR. WILSON:** NOT FOR THE SAME ZONE ANY WAY.

22
23 **COUNCILMEMBER SILVERMAN:** RIGHT.

24
25 **MR. WILSON:** YOU CAN'T REFILE FOR THE SAME ZONE.

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1

2 **COUNCILMEMBER SILVERMAN:** WHICH I'M -- I UNDERSTAND THAT THAT'S
3 WHAT THE CONSEQUENCES ARE. I'M NOT SURE THAT I UNDERSTOOD OR
4 APPRECIATED THAT THAT'S WHAT THE CONSEQUENCES WERE WHEN I
5 SUPPORTED REJECTING THIS. SO I WANT TO UNDERSTAND IF THERE IS
6 ANOTHER PROCEDURAL OPTION HERE OF MOVING TO RECONSIDER AND
7 REMANDING FOR REVISION IN ACCORDANCE WITH THE SECTOR PLAN SO
8 THAT IF THEY WANT TO GO BACK AND CHANGE THE PLAN AND COME BACK
9 WITH SOMETHING THAT IS ACCEPTABLE, YOU KNOW, TO -- I MEAN,
10 FRANKLY ACCEPTABLE TO OBVIOUSLY THE COUNCIL BUT MORE
11 ACCEPTABLE TO THE COMMUNITY THAN WHAT WAS PUT ON THE TABLE,
12 THERE WOULD BE AN OPPORTUNITY TO DO THAT. OTHERWISE WE'VE
13 ESSENTIALLY SAID THAT HERE'S AN AREA IN DOWNTOWN BETHESDA THAT
14 YOU CAN WAIT FOR THREE MORE YEARS BEFORE COMING BACK WITH
15 SOMETHING THAT EVERYBODY MIGHT ACTUALLY AGREE ON. AND I HAVE
16 TO SAY, I HAVEN'T SAT THROUGH 100 ZONING CASES BUT I'M HARD-
17 PRESSED TO REMEMBER HOW MANY TIMES WE'VE DONE OUTRIGHT DENIALS.

18

19 **MR. WILSON:** YES, IT DOESN'T HAPPEN THAT FREQUENTLY, CONTRARY
20 TO -- YEAH, CONTRARY TO THE --

21

22 **COUNCILMEMBER SILVERMAN:** HE'S RIGHT. BECAUSE EITHER PEOPLE
23 WITHDRAW OR THEY -- SO THAT THEY HAVE AN OPPORTUNITY TO GO
24 AHEAD AND REVISE THE PLAN. AND I'M NOT -- YOU KNOW, I DIDN'T

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1 LIKE THE PLAN THAT WAS IN FRONT OF US. AND I WAS HAPPY TO
2 OPPOSE IT. BUT I JUST DON'T THINK PERHAPS I APPRECIATED THE --
3

4 **MR. WILSON:** I GUESS YOUR QUESTION IS, CAN WE INCLUDE ANYTHING
5 IN THE DENIAL RESOLUTION THAT WOULD CLARIFY THAT REAPPLICATION
6 WITH A DIFFERENT PLAN WOULD BE ACCEPTABLE?

7
8 **MR. HANSEN:** THE PROBLEM IS, IS THAT I THINK THE LETTER FROM
9 THE OPPOSITION POINTS OUT IS THAT THE REGIONAL DISTRICT ACT
10 CONTAINS SOME VERY CLEAR LANGUAGE THAT PROHIBITS REFILEING FOR
11 36 MONTHS FOR THE SAME ZONE.

12
13 **MR. WILSON:** AFTER A DECISION ON ITS MERITS.

14
15 **MR. HANSEN:** AFTER A DECISION ON ITS MERITS.

16
17 **COUNCILMEMBER SILVERMAN:** I UNDERSTAND THAT. AND SO YOU'RE
18 SAYING WE HAVE NO ABILITY TO RECONSIDER THE DECISION THAT WE
19 MADE?

20
21 **MR. HANSEN** OH, I THINK YOU COULD RECONSIDER, THEN THE DOOR
22 OPENS AS TO WHETHER YOU, THE COUNCIL, WOULD ALLOW A WITHDRAWAL
23 OR NOT ALLOW A WITHDRAWAL.

24

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1 >>**COUNCILMEMBER SILVERMAN:** I'M NOT TALKING ABOUT WITHDRAWAL.
2 I'M TALKING ABOUT A REMAND.

3

4 **MR. HANSEN:** WELL, YOU COULD -- THAT COULD BE ANOTHER OPTION.
5 YOU COULD SEND IT BACK TO ALLOW AN AMENDMENT OF THE PROJECT.

6

7 **COUNCILMEMBER SILVERMAN:** I MEAN, I'VE SAT HERE WHEN THE
8 COUNCIL HAS EFFECTIVELY NEGOTIATED WITH THE APPLICANT IN A
9 ROOM LIKE THIS WITH EVERYBODY HERE SAYING, WELL, HERE'S WHAT
10 MIGHT BE ACCEPTABLE AND TAKE A HINT. AND THEN THEY GO BACK AND
11 AMEND IT AND THEY COME BACK. SO, IT IS NOT UNUSUAL FOR US TO
12 MOVE TO REMAND SOMETHING TO THE HEARING EXAMINER AND IN FACT I
13 THINK THAT'S WHAT,

14

15 **MR. WILSON:** YEAH, THAT'S IN THE MEMO.

16

17 **COUNCILMEMBER SILVERMAN:** THAT'S IN FACT WHAT RALPH HAS PUT IN
18 HIS MEMO AS A POSSIBILITY, WHICH IS NOT THE WITHDRAWAL OPTION
19 BUT, IN FACT, TO VACATE PREVIOUS DECISION AND REMAND TO ALLOW
20 APPLICANT OR REVISE APPLICATION IN LINE WITH THE SECTOR PLAN
21 URBAN VILLAGE CONCEPT. I MEAN, IS THAT AN OPTION OR ISN'T THAT
22 AN OPTION? - >**MR. WILSON:** THAT'S AN OPTION.

23

24 **MR. HANSEN:** IN ORDER TO REMAND YOU WOULD HAVE TO VACATE THE
25 DECISION ON THE MERITS. THAT'S THE -- AND ONCE YOU VACATE ON

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1 MERITS THEN YOU HAVE OPTION OF ALLOWING A WITHDRAWAL OR
2 REMANDING, IT SEEMS TO ME. AND YOU'RE DOING THAT THROUGH A
3 RECONSIDERATION.

4

5 **COUNCILMEMBER SILVERMAN:** BUT I MEAN I DON'T, I MEAN I
6 APPRECIATE THE TWO BITES AT THE APPLE. BUT WHEN THE COUNCIL IN
7 THE PAST HAS, YOU KNOW, IN EFFECT REMANDED, THAT'S ESSENTIALLY
8 WHAT WE'VE DONE. WE'VE BASICALLY SAID TO THE APPLICANT, WE
9 DON'T LIKE WHAT YOU GOT IN FRONT OF US. TAKE IT BACK. GO WORK
10 IT OUT AND IF YOU CAN COME UP WITH SOMETHING COME BACK TO US,
11 AS OPPOSED TO SEE YOU IN THREE YEARS.

12

13 **MR. HANSEN:** RIGHT. AND THAT'S USUALLY BEFORE DECISION ON
14 MERITS, WHICH IS WHAT MAKES THIS CASE DIFFERENT.

15

16 **COUNCILMEMBER SILVERMAN:** IN OTHER WORDS, IF WE WANTED TO GO
17 DOWN THAT PATH WE COULD HAVE DONE IT BEFORE WE VOTED 9-0 TO
18 DENY.

19

20 **MR. HANSEN:** YES.

21

22 **COUNCILMEMBER SILVERMAN:** AND THAT ASSUMES THAT -- AND I KNOW
23 WE ASKED THE QUESTION. I JUST PERSONALLY DIDN'T FOCUS ON THAT.
24 I WASN'T INTENDING TO SAY THAT THIS IS A PROJECT THAT, YOU

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1 KNOW, WILL NEVER HAVE ANY MERIT UNDER ANY CIRCUMSTANCES. I
2 JUST DIDN'T LIKE IT WITH WHAT WAS IN FRONT OF US.

3

4 **COUNCIL PRESIDENT PEREZ:** OKAY, MS. FLOREEN WAS NEXT AND THEN
5 MR. LEVENTHAL.

6

7 **COUNCILMEMBER FLOREEN:** WELL, I WANTED TO ASK ABOUT THE PROCESS
8 AT ISSUE HERE. IT'S A TANGLED WEB, IT SEEMS. WHEN WE VOTED ON
9 THIS, IF THE APPLICANT HAD SAID, OH, OH, I'D LIKE TO WITHDRAW.
10 OR AT LEAST CAN YOU DENY THIS WITHOUT PREJUDICE? AT THAT
11 MOMENT I WOULD HAVE BEEN FINE WITH THAT. THE -- WHAT HAPPENED
12 IS, WE APPROVED THIS BUT DENIED THIS, WHAT, APRIL 12TH --

13

14 **MR. WILSON:** APRIL 12TH, YEAH.

15

16 **COUNCILMEMBER FLOREEN:** AND THEN JUST A COUPLE DAYS LATER --
17 THE 13TH! THEY SAID, OOPS, WE MEANT TO SAY THAT, BASICALLY,
18 WHEN THE RESOLUTION WE HAD BEFORE US DID NOT ACHIEVE OUR
19 OBJECTIVES SO IT HAD TO BE -- SO WE DIDN'T ADOPT A RESOLUTION.
20 WE ADOPTED -- YOU KNOW, WE MADE A DECISION. THE QUESTION I
21 HAVE IS, COULD WE -- WE HAVE AN OPINION IN FRONT OF US. NOW, I
22 USUALLY DON'T EDIT THESE OPINIONS BUT I COULD SAY, WELL, I
23 MOVE APPROVAL OF THIS OPINION WITH ADDITIONAL LANGUAGE THAT
24 IT'S DENIED WITHOUT PREJUDICE TO REAPPLY. IS THAT --

25

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1 **MR. WILSON:** I THINK WE NEED TO ASK THE ATTORNEY WHETHER THAT'S
2 --

3

4 **COUNCILMEMBER FLOREEN:** IS THAT AN ISSUE FOR RECONSIDERATION?
5 BECAUSE IT HADN'T BEEN ON THE TABLE BEFORE AND CONSEQUENTLY IT
6 BECOMES A NEW ISSUE SUBJECT TO A RECONSIDERATION REQUIREMENT?

7

8 **MR. WILSON:** ONCE THERE'S A DECISION ON MERITS, THE 36-MONTH
9 MORATORIUM UNDER THE REGIONAL DISTRICT ACT ATTACHES.

10

11 **COUNCILMEMBER FLOREEN:** BUT THE MERITS HERE AND THEY'RE SPELLED
12 OUT IN AN OPINION, RIGHT? WE DIDN'T HAVE THAT BEFORE.

13

14 **MR. HANSEN:** WHAT YOU HAD BEFORE YOU WAS A RESOLUTION OF
15 APPROVAL. AND YOU HAVE A RESOLUTION --

16

17 **COUNCILMEMBER FLOREEN:** AND WE HAVE A RESOLUTION OF DENIAL,
18 WHICH IS IN FRONT OF US

19

20 **MR. HANSEN:** RIGHT.

21

22 **COUNCILMEMBER FLOREEN:** WHICH IS CONFIRMING OUR DECISION BEFORE,
23 SPELLING OUT THE ELEMENTS.

24

25 **MR. HANSEN:** RIGHT.

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1

2 **COUNCILMEMBER FLOREEN:** BUT THE QUESTION IS, THE TERMS OF THE
3 DENIAL, YOU'RE SAYING THAT IS AN ISSUE THAT REQUIRES YOU TO
4 REOPEN THE WHOLE CASE?

5

6 **MR. HANSEN:** WELL, PROCEDURALLY RECONSIDERATION IS A METHOD --
7 AS MARC WAS JUST SAYING, IT'S JUST A METHOD OF GETTING A
8 WRITTEN RESOLUTION IN FRONT OF YOU SO THAT THERE'S SOMETHING
9 IN WRITING SHOWING WHAT THE DECISION WAS ON THE --

10

11 **COUNCILMEMBER FLOREEN:** WELL, WE HAVE A WRITTEN RESOLUTION IN
12 FRONT OF US. IF WE ADDED FOUR OR FIVE WORDS, A SENTENCE, THAT
13 REQUIRES A RECONSIDERATION?

14

15 **MR. HANSEN:** NO, IT'S ALREADY BEFORE YOU SO YOU --

16

17 **COUNCILMEMBER FLOREEN:** I KNOW.

18

19 **MR. HANSEN:** SO YOU COULD ADD FOUR OR FIVE WORDS, IT SEEMS TO
20 ME.

21

22 **COUNCILMEMBER FLOREEN:** WITHOUT REOPENING THE CASE, REQUIRING
23 THAT IT BE REMANDED?

24

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1 **MR. HANSEN:** WELL, I -- THE QUESTION IS ARE YOU RECONSIDERING
2 IT RIGHT NOW? AND I ASSUME THAT YOU ARE, SO IF YOU ARE YOU CAN
3 --

4
5 **COUNCILMEMBER FLOREEN:** NO. I HAVE NO INTEREST IN RECONSIDERING.
6 [OVERLAPPING VOICES]

7
8 **COUNCILMEMBER FLOREEN:** THE QUESTION IS THE ISSUE IS OF "WITH
9 PREJUDICE" OR "WITHOUT PREJUDICE" WHICH WE DIDN'T ADDRESS,
10 PERIOD.

11
12 **MR. HANSEN:** RIGHT. IT'S WITH PREJUDICE, THOUGH, BY LAW ONCE
13 THERE'S A DECISION ON THE MERITS SO YOU DIDN'T NEED TO ADDRESS
14 THAT SPECIFICALLY.

15
16 **COUNCILMEMBER FLOREEN:** SO IT'S DONE, YOU'RE SAYING.

17
18 **MR. HANSEN:** YES. AND LET ME JUST --

19
20 **COUNCILMEMBER FLOREEN:** OKAY.

21
22 **MR. HANSEN:** LET ME GIVE YOU A LITTLE MORE BECAUSE THE MAIN
23 REASON FOR A WRITTEN RESOLUTION IS IN CASE THERE'S AN APPEAL
24 TO A COURT. AND YOU NEED TO HAVE A WRITTEN DECISION THAT
25 EXPLAINS TO THE COURT WHAT THE BASIS WAS FOR YOUR DECISION. SO

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1 THAT'S -- UNDER YOUR ZONING ORDINANCE YOU DENIED IT PROPERLY.
2 IT'S JUST THAT -- AND OUR PAST PRACTICE HAS BEEN TO DO A
3 WRITTEN DECISION EVEN IF THERE IS A DENIAL. AND FOR COURT
4 PURPOSES MAINLY.

5

6 **COUNCILMEMBER FLOREEN:** YEAH, YEAH.

7

8 **MR. HANSEN:** IT MAKES A LOT OF SENSE.

9

10 **COUNCILMEMBER FLOREEN:** SO YOU'RE SAYING THAT ADDING AN
11 ADDITIONAL SENTENCE IS NOT POSSIBLE THEN. TELL ME WHAT YOUR
12 RESPONSE IS ON THAT.

13

14 **MR. HANSEN:** IN MY OPINION THIS IS -- IF IT'S BEFORE YOU ON
15 RECONSIDERATION, BECAUSE THAT'S THE ONLY PROCEDURAL MECHANISM
16 I KNOW OF, YOU CAN MODIFY THIS RESOLUTION ANY WAY YOU WANT.

17

18 **MR. WILSON:** SHE WANTS TO PUT IN THE WITHOUT PREJUDICE. CAN WE
19 DO THAT AND STILL BE WITHIN THE 36-MONTH --

20

21 **MR. HANSEN:** NO, BECAUSE IT'S A DECISION ON THE MERITS SO THE
22 36-MONTH MORATORIUM ATTACHES.

23

24 **COUNCILMEMBER FLOREEN:** BECAUSE THAT CHANGES THE DECISION ON
25 THE MERITS BECAUSE THE DECISION WAS MADE --

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1

2 **MR. HANSEN:** YES.

3

4 **COUNCILMEMBER FLOREEN:** AND THAT'S IMPLICIT IN THE --

5

6 **MR. HANSEN:** YES.

7

8 **COUNCILMEMBER FLOREEN:** OKAY, THANK YOU.

9

10 **COUNCIL PRESIDENT PEREZ:** MR. LEVENTHAL?

11

12 **COUNCILMEMBER LEVENTHAL:** WELL, I LOVE THE DISTRICT COUNCIL SO
13 MUCH. I'M NEVER ENTIRELY CLEAR WHAT QUESTIONS I'M ALLOWED TO
14 ASK. ARE WE ALLOWED TO TALK ABOUT STATUS OF THE PROPERTY AT
15 THIS TIME?

16

17 **COUNCILMEMBER FLOREEN:** NO.

18

19 **COUNCILMEMBER LEVENTHAL:** NOT ALLOWED TO TALK ABOUT THAT.

20

21 **MR. WILSON:** WITHIN THE FRAMEWORK OF THAT RECORD I'M SURE YOU -

22 -

23

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1 **COUNCILMEMBER LEVENTHAL:** WELL, I MEAN IS THE RECORD -- DOES
2 THE RECORD INCLUDE EVERYTHING THAT'S IN THE MEMO THAT'S BEFORE
3 US RIGHT NOW? IS THIS ALL PART OF THE RECORD?

4

5 **MR. WILSON:** YES, I THINK IT DOES, SURE.

6

7 **COUNCILMEMBER LEVENTHAL:** OKAY.

8

9 **MR. WILSON:** EXCEPT THE, YEAH. IT'S --

10

11 **COUNCILMEMBER LEVENTHAL:** SO MAY I READ QUESTIONS FROM THIS
12 MEMO AND SO THAT I CAN CLARIFY MY OWN UNDERSTANDING OF WHAT
13 HAPPENS ON THIS SITE?

14

15 **MR. WILSON:** I THINK SO, SURE. DO YOU AGREE?

16

17 **MR. HANSEN:** WE DON'T KNOW THE QUESTION. [LAUGHTER]

18 [OVERLAPPING VOICES]

19

20 **COUNCIL PRESIDENT PEREZ:** ASK AWAY. ASK AWAY.

21

22 **COUNCILMEMBER LEVENTHAL:** ON CIRCLE 27, I'M READING FROM A
23 LETTER BY MR. DAVID FAIRWEATHER WHO WRITES, THE APPLICANT
24 CLAIMS THAT A 36-MONTH PERIOD WILL DELAY THE TIME WHEN HOUSING
25 WILL BE PROVIDED. HOWEVER, TRUTH BE TOLD, THE HOUSING UNITS

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1 CURRENTLY EXISTING ON THE PROPERTY, INCLUDING THE APARTMENT
2 BUILDING, PROVIDE MORE AFFORDABLE HOUSING THAN WHAT WAS
3 PREVIOUSLY PROPOSED BY THE DEVELOPER. THE QUESTION IS,
4 DEPENDING ON WHAT ACTION THIS COUNCIL TAKES, WHAT HAPPENS TO
5 THIS PROPERTY? AND SO WHAT ARE THE DIFFERENT SCENARIOS? IS
6 THIS A LEGITIMATE QUESTION TO ASK? IF THE COUNCIL DOES A, THEN
7 HERE'S WHAT HAPPENS TO THE PROPERTY. IF THE COUNCIL DOES B,
8 HERE'S WHAT HAPPENS TO THE PROPERTY. IF THE COUNCIL DOES C,
9 HERE'S WHAT HAPPENS TO THE PROPERTY. THAT SEEMS TO ME GERMANE
10 TO THE DECISION BEFORE US.

11
12 **MR. WILSON:** IF THE APPLICATION STANDS DENIED THE CURRENT
13 ZONING IS IN PLACE. I THINK IT IS R-60 AND R-H AND CAN BE
14 DEVELOPED UNDER THOSE ZONES, OTHERWISE --

15
16 **COUNCIL PRESIDENT PEREZ:** YOU MAY WANT TO COME ON UP HERE.
17 BECAUSE I'M NOW BECOMING A LITTLE BIT CONCERNED ABOUT WHETHER
18 WE ARE GETTING OUTSIDE THE RECORD.

19
20 **SPEAKER:** YEAH, NO, WE'RE NOT ALTHOUGH I WOULD LIKE TO CORRECT
21 MR. WILSON ON THE FACTUALLY -- MY RECOLLECTION IS THE ZONING,
22 IT IS SPLIT ZONES, R-10 AND R-90. THERE'S A SMALL APARTMENT
23 BUILDING ON THE R-10 PORTION. THE R-90 PORTION HAS TWO
24 BUILDINGS THAT ARE SINGLE-FAMILY DWELLINGS BUT THEY ARE USED,

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1 FROM WHAT THE RECORD SAYS, AS OFFICES, WHICH IS COMMON IN THAT
2 PART OF BETHESDA. IN THE MIDDLE THERE'S A BIG PARKING LOT.

3

4 **COUNCILMEMBER LEVENTHAL:** OKAY, SO SEEMS TO ME THERE ARE THREE
5 THINGS THAT MIGHT HAPPEN HERE. A, WE PASS THE RE-DRAFTED
6 RESOLUTION, DENY THE APPLICANT. THAT'S IT. B, WE MOVE TO
7 RECONSIDER AND CHANGE THIS IN SUCH A WAY THAT THE APPLICANT
8 CAN WITHDRAW. AND I GUESS C WOULD BE WHAT MS. FLOREEN
9 SUGGESTED, IS THAT WE MOVE TO RECONSIDER AND --

10

11 **COUNCILMEMBER FLOREEN:** I DIDN'T SAY THAT --

12

13 **COUNCILMEMBER LEVENTHAL:** NO, WELL, THAT WE OFFER SOME SORT OF
14 AMENDMENT TO THE RESOLUTION MAKING IT CLEAR THAT THE APPLICANT
15 MAY RESUBMIT WITHIN THREE YEARS. ARE THOSE THE THREE POTENTIAL
16 SCENARIOS?

17

18 **MR. HANSEN:** C IS NOT AN OPTION.

19

20 **MR. WILSON:** YEAH, YOU CAN'T -- THE FLIP SIDE, YOU COULDN'T DO
21 THAT.

22

23 **COUNCILMEMBER LEVENTHAL:** NOT AN OPTION. SO THE OPTIONS ARE A,
24 WE ADOPT THIS RESOLUTION BEFORE US NOW, WHICH CONFIRMS DENIAL.

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1 OR B, MOVE TO RECONSIDER AND VACATE OUR PREVIOUS DECISION.

2 THOSE ARE THE TWO OPTIONS?

3

4 **MR. HANSEN:** CORRECT. AND THEN ONCE YOU VACATE YOU'RE GOING TO
5 HAVE ANOTHER DECISION TO MAKE IF YOU DO THAT.

6

7 **MR. WILSON:** TO ALLOW WITHDRAWAL.

8

9 **MR. HANSEN:** TO ALLOW WITHDRAWAL OR REMAND TO THE HEARING
10 EXAMINER.

11

12 **COUNCILMEMBER LEVENTHAL:** OKAY. AND SO THE CONSEQUENCE OF
13 DECISION A, THAT IS THAT WE SIMPLY CONFIRM WHAT WE DID BEFORE,
14 IS THAT THE APPLICANT MAY SUBMIT AN APPLICATION WITHIN
15 EXISTING ZONING? IS THAT CORRECT?

16

17 **MR. WILSON:** WELL, HE WOULD HAVEN'T TO SUBMIT AN APPLICATION.
18 HE HAS THE ZONING. HE WOULD GO THROUGH A DEVELOPMENT PROCESS.

19

20 **COUNCILMEMBER LEVENTHAL:** UH-HUH. BUT HE MAY NOT -- HE OR SHE
21 MAY NOT -- I DON'T EVEN KNOW IF THE APPLICANT IS A HE OR SHE.
22 I KNOW TIM DUNCAN IS A HE -- MAY NOT APPLY TO CHANGE THE
23 ZONING FOR 36 MONTHS.

24

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1 **SPEAKER:** AND NOT ONLY MAY NOT THIS APPLICANT. NO ONE MAY APPLY
2 FOR THE T.S.R. ZONE ON ANY PORTION OF THIS PROPERTY FOR THREE
3 YEARS.

4

5 **COUNCILMEMBER LEVENTHAL:** OKAY.

6

7 **SPEAKER:** SO THEY CAN'T EVEN SELL IT TO SOMEONE ELSE FOR
8 PURPOSES OF DEVELOPING UNDER THE T.S.R. ZONE.

9

10 **SPEAKER:** UNDER ANY --

11

12 **SPEAKER:** NO, THEY COULD SEEK A DIFFERENT ZONE BUT THERE'S A
13 QUESTION WHETHER THAT WOULD BE CONSISTENT WITH THE SECTOR PLAN,
14 WHICH, YOU KNOW RECOMMENDS T.S.R. ZONING.

15

16 **COUNCILMEMBER LEVENTHAL:** IS IT IN ORDER FOR ME TO HAVE A
17 COLLOQUY WITH MR. DENIS CONCERNING THE OUTCOME ON THIS SITE?

18

19 **COUNCILMEMBER DENIS:** ME? I JUST WANTED TO --

20

21 **COUNCILMEMBER LEVENTHAL:** I NEVER KNOW WHAT I'M ALLOWED TO ASK.
22 I'VE GOT ALL THESE QUESTIONS BUT I NEVER KNOW -- [OVERLAPPING
23 VOICES]

24

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1 **COUNCILMEMBER DENIS:** I JUST WANT TO CLARIFY WHAT I JUST HEARD.
2 THE THE APPLICANT CAN REAPPLY UNDER A DIFFERENT ZONE, IS THAT
3 --

4
5 **MR. WILSON:** WITHIN 18 MONTHS, YEAH.

6
7 **COUNCILMEMBER DENIS:** IS THAT CORRECT? THE APPLICANT CAN APPLY
8 UNDER A DIFFERENT ZONE.

9
10 **SPEAKER:** AFTER 18 MONTHS? IS THAT --

11
12 **MR. WILSON:** YEAH. 36 MONTHS FOR THE SAME ZONE --

13
14 **COUNCILMEMBER DENIS:** THAT IS CORRECT. THAT IS A CORRECT
15 STATEMENT. THE APPLICANT CAN REAPPLY UNDER A DIFFERENT ZONE.
16 IS THAT THE ANSWER?

17
18 **MR. WILSON:** THAT IS --

19
20 **COUNCILMEMBER DENIS:** IS THAT A YES?

21
22 **MR. WILSON:** YES.

23
24 **COUNCILMEMBER DENIS:** OKAY, THANK YOU.

25

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1 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN? --[OVERLAPPING VOICES]

2

3 **COUNCIL PRESIDENT PEREZ:** OKAY, I'M SORRY.

4

5 **COUNCILMEMBER LEVENTHAL:** I WOULD ALSO, IF I MAY -- LOOK. I
6 WOULD LOVE TO HAVE AN ENCYCLOPEDIC MEMORY OF EVERY VOTE AND
7 EVERY REASON WHY I CAST EVERY VOTE. I GUESS MY RECOLLECTION OF
8 THIS CASE -- AND I HOPE I'M NOT OUTSIDE THE RECORD HERE -- IS
9 THAT BASICALLY THE SENSE ON THE COUNCIL WAS THAT UNITS WERE
10 TOO BIG, THAT THERE WAS NOT ENOUGH AFFORDABLE HOUSING AND THAT
11 THEREFORE THAT WAS NOT CONSISTENT WITH LANGUAGE IN SECTOR PLAN.
12 HAVE I SAID ANYTHING WRONG?

13

14 **COUNCILMEMBER FLOREEN:** YOU LEFT OUT ONE PIECE, WHICH IS THE
15 HEIGHT.

16

17 **SPEAKER:** IT WAS TOO TALL. IT WAS 100 --

18

19 **COUNCILMEMBER FLOREEN:** HEIGHT WAS THE MAIN --

20

21 **COUNCILMEMBER LEVENTHAL:** BIG LUXURY UNITS. THAT I RECALL.

22

23 **SPEAKER:** A TALL BUILDING.

24

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1 **COUNCILMEMBER LEVENTHAL:** A TALL BUILDING THAT ALLOWED FOR BIG
2 LUXURY UNITS THAT MEANT THE DENSITY WASN'T ENOUGH, NOT ENOUGH
3 AFFORDABLE UNITS, NOT IN CONFORMANCE WITH THE URBAN VILLAGE.
4 HAVE I GOT IT RIGHT? [OVERLAPPING VOICES]

5

6 **SPEAKER:** THE HEIGHT IS REALLY AN IMPORTANT FACTOR IN THAT
7 BECAUSE --

8

9 **SPEAKER:** IT'S TOO TALL.

10

11 **COUNCILMEMBER LEVENTHAL:** TOO TALL, OKAY.

12

13 **SPEAKER:** THE SECTOR RECOMMENDED A 65-FOOT LIMIT AND THE
14 APPLICANT SOUGHT A 100-FOOT BUILDING. SO THE INCONSISTENCY
15 WITH THE SECTOR PLAN, THE HEIGHT WAS REALLY A MAJOR COMPONENT
16 OF THAT.

17

18 **COUNCILMEMBER LEVENTHAL:** OKAY. SO IF IN FACT THE COUNCIL VOTES
19 FOR THIS RESOLUTION, WHICH RECONFIRMS OUR EARLIER VOTE, THE
20 APPLICANT MAY STILL EITHER KEEP THE SITE AS-IS OR DEVELOP THE
21 SITE BUT THE APPLICANT MUST DEVELOP THE SITE --

22

23 **MR. WILSON:** UNDER CURRENT ZONING.

24

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1 **COUNCILMEMBER LEVENTHAL:** UNDER CURRENT ZONING FOR 18 MONTHS.
2 AND THEN AFTER 18 MONTHS THE APPLICANT COULD APPLY FOR A
3 DIFFERENT ZONE.

4

5 **MR. WILSON:** THAT'S CORRECT.

6

7 **COUNCILMEMBER LEVENTHAL:** OKAY. AND MR. DENIS, IS THAT THE
8 OUTCOME THAT YOU SEEK?

9

10 **COUNCILMEMBER DENIS:** I DO NOT WANT TO PROLONG THIS ANY LONGER.
11 AND I DON'T THINK WE SHOULD GET BACK INTO THIS. I MEAN I
12 BASICALLY, AS I SAID BEFORE, I OPPOSE ANY MOTION TO WITHDRAW
13 AND I SUPPORT THE DENIAL RESOLUTION, WHICH I BELIEVE IS BEFORE
14 US TO DAY.

15

16 **COUNCIL PRESIDENT PEREZ:** OKAY, MR. SUBIN WAS NEXT.

17

18 **COUNCILMEMBER SUBIN:** I FEEL LIKE I'M BACK AT MY PROPERTY EXAM
19 IN LAW SCHOOL WHERE I HAD TO LOOK UP AND GO, WHERE AM I? AM I
20 IN THE RIGHT PLACE? I REMEMBER SPECIFICALLY THE -- IN THE
21 DISCUSSION AND THE LEGISLATIVE INTENT, WHICH I KNOW IS A
22 RATHER MUSHY THING, ASSUMED -- OR SAID, I MEAN IT WAS SAID
23 WHEN ASKED, CAN THEY GO AHEAD WITH THIS CURRENT ZONING? AND
24 THE ANSWER TO THAT WAS YES.

25

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1 **MR. WILSON:** I THINK IT WAS --

2

3 **COUNCILMEMBER SUBIN:** IT WAS DURING, AND I BELIEVE ON THE
4 RECORD BECAUSE I BELIEVE IT WAS STATED AT THAT TIME. OKAY. AND
5 THERE WAS NO -- NOBODY MADE A REQUEST OF -- OR ASKED IF THE
6 ZONING COULD BE CHANGED. IS THAT CORRECT?

7

8 **MR. WILSON:** I THINK MR. SILVERMAN ASKED ABOUT THE WAITING, THE
9 36-MONTH WAITING PERIOD. AND I THINK I HAD SAID THAT IF THE --

10

11 **COUNCILMEMBER SUBIN:** BUT THAT WAS CONSISTENT WITH THE
12 APPLICATION THAT WE WERE CONSIDERING.

13

14 **MR. WILSON:** THAT'S CORRECT, YES.

15

16 **COUNCILMEMBER SUBIN:** AND SO WHAT WE'RE BEING ASKED TO DO IS GO
17 BACK AND CHANGE THE LEGISLATIVE INTENT, IT SEEMS TO ME, TO NOW
18 ALLOW AFTER THE FACT FOR ANOTHER OPTION. IS THAT WHAT'S GOING
19 ON HERE? BECAUSE NONE OF THE ATTORNEYS, NONE OF THE COUNCIL
20 MEMBERS -- DURING THE ORAL ARGUMENT NONE OF THE ATTORNEYS EVER
21 SAID, IF THIS IS GOING TO BE DENIED CAN WE COME BACK AND ASK
22 TO COME IN UNDER A THIRD ZONE. NOT THE ORIGINAL A. NOT THE
23 REQUESTED B. NOBODY ASKED ABOUT ANY ADDITIONAL OPTIONS. NOBODY
24 SAID ANYTHING ABOUT ADDITIONAL OPTIONS. NOBODY SAID WOULD YOU
25 CONSIDER. NOBODY SAID WE WOULD CONSIDER.

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1

2 **SPEAKER:** THAT'S TRUE. THOSE POSSIBILITIES WERE NOT DISCUSSED
3 DURING ORAL ARGUMENT.

4

5 **COUNCILMEMBER SUBIN:** SO THEN BASICALLY ANYTHING WE'RE TALKING
6 ABOUT NOW DOESN'T DEAL WITH THE RECORD AS IT WAS, UNLESS YOU
7 WANT TO SAY THAT A NEGATIVE DISCUSSION WAS A PART OF THE
8 RECORD, WHICH I THINK IS A REACH. UNLESS SOMEBODY'S GOING TO
9 TELL ME THAT SOMEWHERE THERE'S CASE LAW THAT SAYS LACK OF
10 DISCUSSION IS AN INTENTIONAL PART OF THE RECORD BY ITS LACK OF
11 DISCUSSION.

12

13 **SPEAKER:** THAT'S WHAT YOU'RE SAYING --

14

15 **COUNCILMEMBER SUBIN:** CASE LAW, MARC? IS THERE?

16

17 **MR. HANSEN:** NOT THAT I'M AWARE OF, MR. SUBIN.

18

19 **COUNCILMEMBER SUBIN:** CLIFF?

20

21 **MR. WILSON:** NO.

22

23 **COUNCILMEMBER SUBIN:** WELL, I'M NOT PREPARED TO GO TO COURT,
24 HAVING SET SOME KIND OF PRECEDENT UP HERE.

25

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1 **COUNCIL PRESIDENT PEREZ:** MS. FLOREEN?

2

3 **COUNCILMEMBER FLOREEN:** WELL, JUST TO CLARIFY. WE HAD A ZONING
4 CASE IN FRONT OF US, PEOPLE APPLIED FOR ONE ZONE. THAT'S
5 RECOMMENDED IN THE MASTER PLAN. WE WERE NOT PERSUADED BY THE
6 RECORD BEFORE US THAT THAT MET STANDARDS OF THE SECTOR PLAN
7 AND FOR A VARIETY OF REASONS, WHICH ARE SPELLED OUT IN THE
8 RECOMMENDED OPINION DECISION. THAT'S BEEN STAFF'S ATTEMPT TO
9 PUT ONTO PAPER WHAT THE SUBSTANTIVE ISSUE WAS, RIGHT? THAT WAS
10 ALL DONE. BUT IT IS TYPICAL IN THESE CASES FOR PEOPLE TO, AT
11 THAT -- IN THE MIDDLE OF THE CONVERSATION ABOUT THE DETAILS,
12 WHEN IT APPEARS NOT TO BE GOING THEIR WAY, IN ANY CASE TO ASK
13 FOR AN OPPORTUNITY TO WITHDRAW, OR AT LEAST TO DENY IT WITHOUT
14 PREJUDICE. I MEAN, THAT'S A PRETTY STANDARD APPROACH, ISN'T
15 IT?

16

17 **MR. WILSON:** THAT -- IT DOESN'T HAPPEN SO MUCH AS DISCUSSION.
18 USUALLY IF THE APPLICANT GETS A NEGATIVE RECOMMENDATION FROM
19 THE PLANNING BOARD OR SOMETHING THEY WILL REQUEST A WITHDRAWAL.

20

21 **COUNCILMEMBER FLOREEN:** AT THIS STAGE OF THE GAME?

22

23 **MR. WILSON:** IT IS UNUSUAL, YES.

24

25 **COUNCILMEMBER FLOREEN:** BUT IT'S POSSIBLE.

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1

2 **MR. WILSON:** YEAH, I THINK IT'S --

3

4 **COUNCILMEMBER FLOREEN:** I MEAN IT'S NOT -- IT DOESN'T GO TO THE
5 MERITS OF THE CASE, IT JUST MEANS --

6

7 **MR. WILSON:** RIGHT. THAT'S AN OPTION THAT'S OPEN, TO REQUEST
8 WITHDRAWAL, YES.

9

10 **COUNCILMEMBER FLOREEN:** OKAY.

11

12 **COUNCIL PRESIDENT PEREZ:** OKAY. MR. SILVERMAN?

13

14 **SPEAKER:** I'M SORRY. I MADE A SMALL FACTUAL ERROR. THE PART
15 THAT HAS THE TWO HOUSES ON IT IS R-60.

16

17 **MR. WILSON:** AH, I'M VINDICATED.

18

19 **SPEAKER:** NOT R-90. YES, ONLY IN PART, THOUGH, BECAUSE YOU SAID
20 R-80 SPLIT [LAUGHTER]

21

22 **MR. WILSON:** WHICH ALL -- [OVERLAPPING VOICES]

23

24 **COUNCIL PRESIDENT PEREZ:** MR. SILVERMAN?

25

**The Transcript of
The Montgomery County Council**



May 10, 2005

1 **COUNCILMEMBER SILVERMAN:** AT THE RISK OF PROLONGING THE AGONY
2 HERE, SO WHAT CAN THE APPLICANT DO WITHIN THE NEXT 18 MONTHS?
3

4 **MR. WILSON:** HE CAN FILE FOR A NEW APPLICATION FOR A DIFFERENT
5 ZONE --

6
7 **SPEAKER:** WITHIN THE NEXT -- THE QUESTION WAS WITHIN THE NEXT
8 18 MONTHS.

9
10 **COUNCILMEMBER SILVERMAN:** WITHIN THE NEXT 18 MONTHS.

11
12 **SPEAKER:** DO THEY HAVE TO WAIT UNTIL THE END OF 18 MONTHS?

13
14 **MR. WILSON** NO, I -- WELL, THAT IS A GOOD POINT. LET ME --

15
16 >>**COUNCILMEMBER SILVERMAN:** OKAY, SO THEY CAN'T DO ANYTHING FOR
17 18 MONTHS, AND THEN WHAT CAN THEY DO?

18
19 **MR. HANSEN:** AFTER THE 18 MONTHS, YOU CAN FILE FOR A DIFFERENT
20 ZONE.

21
22 **COUNCILMEMBER SILVERMAN:** A DIFFERENT ZONE -- WHAT ZONE WOULD
23 YOU FILE FOR? WE HAVE A MASTER PLAN. IT SAYS IT'S A T.S.R.
24 ZONE, DOESN'T IT? SO WHAT ZONE COULD THEY APPLY FOR?

25

**The Transcript of
The Montgomery County Council**



May 10, 2005

1 **SPEAKER:** I THINK IT'S QUESTIONABLE WHETHER THE COULD --
2 WHETHER ANY OTHER ZONE -- [OVERLAPPING VOICES]

3

4 **COUNCILMEMBER SILVERMAN:** THE NEW T.O.M.X. ZONE THAT WE'RE
5 CREATING --

6

7 **SPEAKER:** I DON'T KNOW WHETHER ANY OTHER APPLICATION COULD BE
8 GRANTED. IT'S HARD TO IMAGINE HOW THAT WOULD BE DONE.

9

10 **COUNCILMEMBER SILVERMAN:** I MEAN I'M LOOKING AT -- I MEAN MR.
11 LEVENTHAL WAS NICE ENOUGH TO QUOTE FROM THE LETTER FROM MR.
12 FAIRWEATHER. AND I'M NOT SINGLING OUT MR. FAIRWEATHER. IT JUST
13 HAPPENS TO BE HIS LETTER ATTACHED HERE. AND IT SAYS -- AND I'M
14 NOT SUGGESTING THIS IS REFLECTIVE OF WHERE THE COMMUNITY IS
15 BUT THIS IS WHAT THE LETTER SAYS. IT SAYS, "PERHAPS GIVEN THIS
16 36-MONTH HIATUS" -- TALKING ABOUT THE 36 MONTHS, "MR. VEROSTA
17 CAN APPROACH THE COMMUNITY IN CONCILIATORY MANNER, COMPROMISE
18 REGARDING THE DEVELOPMENT APPROACH AND WIN OVER THE COMMUNITY
19 SUPPORT FOR A MORE SUITABLE PROJECT. I BELIEVE THAT MY
20 NEIGHBORS EXPECT SOMETHING TO BE BUILT ON THE SITE AND WE'RE
21 PREPARED TO WORK AS A TEAM TO HAVE A PROJECT THAT MEETS
22 EVERYONE'S EXPECTATIONS AND AS MANY CONCERNS AS POSSIBLE.
23 WE'RE NOT ANTI-DEVELOPMENT AND HOPE TO WORK TO THE DEVELOPER
24 THAT LISTENS TO OUR CONCERNS AND TRIES TO ACCOMMODATE THEM AS
25 MUCH AS POSSIBLE. WE RECOGNIZE THAT THE COMMUNITY WOULD ALSO

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1 NEED TO COMPROMISE." WE HAVE A ZONE THAT'S RECOMMENDED IN THE
2 MASTER PLAN. IT'S A T.S.R. ZONE AND I WASN'T TRYING TO JUMP ON
3 YOU ABOUT THE SIZE OF THE UNITS, MR. LEVENTHAL, BUT I BELIEVE
4 THE ENTIRE DISCUSSION THAT WE REALLY HAD WAS ABOUT THE HEIGHT
5 OF THE BUILDING. IF THEY HAD WALKED IN AND SAID IT'S A 65-
6 FOOT-HIGH BUILDING AND IN THE T.S.R. ZONE, THEN PERHAPS THE
7 OUTCOME MIGHT HAVE BEEN DIFFERENT. THAT MESSAGE WASN'T REALLY
8 CONVEYED. WE MOVED ON TO A DISCUSSION ABOUT DENIAL OUTRIGHT.
9 AND I WILL JUST SPEAK FOR MYSELF, I WASN'T INTENDING TO
10 BASICALLY SUGGEST THAT THIS PROPERTY IS GOING TO BE LEFT IN
11 ABEYANCE FOR THE NEXT THREE YEARS WHEN THERE IS A MASTER ZONE
12 THAT SAYS THAT THERE IS A T.S.R. ZONE AND THE DEBATE IS REALLY
13 OVER THE HEIGHT. SO, I'M TRYING TO FIGURE OUT -- I'M HEARING
14 WHAT MR. ROYALTY I THINK IS SAYING, WHICH IS THE ONLY WAY TO
15 GET THERE IS, TO GET TO WHERE I MIGHT WANT TO GET TO, WHICH IS
16 TO HAVE THE COMMUNITY AND DEVELOPER WORK ON SOMETHING THAT
17 MIGHT BE ACCEPTABLE UNDER THE MASTER PLAN THAT IS PART OF THE
18 URBAN VILLAGE, WOULD BE TO MOVE TO RECONSIDER AND TO
19 RECONSIDER WITH I GUESS A REMAND? OR WHAT WOULD BE --

20
21 **MR. HANSEN:** VACATE THE DECISION AND EITHER REMAND OR ALLOW
22 WITHDRAWAL. TO GET WHERE YOU'RE TRYING TO GO --

23
24 **COUNCILMEMBER SILVERMAN:** I DON'T WANT TO ALLOW WITHDRAWAL.

**The Transcript of
The Montgomery County Council**



May 10, 2005

1 **MR. HANSEN:** THEN YOU'RE TALKING ABOUT REMAND TO THE HEARING
2 EXAMINER.

3

4 **COUNCILMEMBER SILVERMAN:** WHICH IS NO DIFFERENT THAN WHAT WE
5 COULD HAVE DONE, FRANKLY, HAD MYSELF AND PERHAPS OTHERS BEEN
6 PAYING CLOSER ATTENTION AT THE TIME AND SAID, WELL, WE DON'T
7 WANT TO PUSH THIS OFF THREE YEARS, WE WANT TO SEND IT BACK AND
8 LET THE PARTIES TRY AND WORK IT OUT AND IF THEY CAN COME BACK.
9 WHICH, BY THE WAY, IS DONE ALL THE TIME, EVEN APPARENTLY
10 ACKNOWLEDGED BY MR. KNAPP IN HIS LETTER, THAT IT'S COMMON FOR
11 THE DISTRICT COUNCIL TO EXPRESS RESERVATIONS ABOUT PROPOSAL
12 UNLESS CERTAIN CHANGES WERE MADE BY THE APPLICANT, WHICH IS
13 WHAT WE'VE DONE BEFORE. IN THIS CASE, WE DIDN'T DO THAT. WE
14 JUST MOVED ALONG OUR MERRY WAY AND SAID, NOPE, YOU'RE OUT. SO,
15 THOSE ARE THE ONLY TWO OPTIONS AVAILABLE IF WE WANT TO
16 ACTUALLY HAVE SOMETHING BUILT THAT COMPLIES WITH THE T.S.R.
17 ZONE, SORT OF THE NEXT THREE YEARS, THE ONLY OPTION IS, IN
18 FACT, TO RECONSIDER THIS AND REMAND IT FOR THAT EXPRESS
19 PURPOSE.

20

21 **COUNCIL PRESIDENT PEREZ:** IS THIS IN A T.S.R. ZONE?

22

23 **MR. HANSEN:** YES.

24

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The Montgomery County Council**



May 10, 2005

1 **COUNCILMEMBER FLOREEN:** IT'S NOT CURRENTLY. THAT'S WHAT THEY
2 SOUGHT.

3

4 **COUNCILMEMBER SILVERMAN:** THAT'S WHAT THEY ARE TRYING TO GET.
5 THAT'S WHAT THE MASTER PLAN HAD SUGGESTED.

6

7 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER YOU -- ARE YOU DONE, MR.
8 SILVERMAN?

9

10 **COUNCILMEMBER SILVERMAN:** YES.

11

12 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER YOU WERE NEXT? OKAY, MR.
13 SUBIN.

14

15 **COUNCILMEMBER SUBIN:** THANK YOU, MR. PRESIDENT. I APOLOGIZE FOR
16 BEING A LITTLE BIT LATE BUT IN THE CONFUSION HERE I THINK WHAT
17 I'M PICKING UP IS THAT THERE IS AN ATTEMPT HERE TO GIVE FOLK A
18 SECOND BITE AT THE APPLE. AND AS I'M LISTENING TO THE DEBATE
19 IT SEEMS TO ME THE DEBATE IS FAR MORE BROAD THAN THIS ONE
20 NARROW PROJECT AND THAT BY GRANTING SOMETHING OTHER THAN THE
21 DENIAL IN ANY FORM, WHETHER IT IS WITHDRAWAL OR
22 RECONSIDERATION OR REMAND, WHAT WE'RE SAYING IS, PUT IN YOUR
23 APPLICATION AND LET IT GO THROUGH. AND IF YOU DON'T GET WHAT
24 YOU WANT THEN YOU CAN COME BACK IN 18 MONTHS WITH SOMETHING
25 ELSE. AND IT SEEMS TO ME WHAT THAT'S GOING TO DO IS PUT A

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1 CHILLING EFFECT ON ANY DISCUSSIONS, NEGOTIATIONS, WHATEVER YOU
2 WILL, BETWEEN A COMMUNITY AND A DEVELOPER, EVEN THOUGH THE
3 PLAN MAY BE A BETTER ONE THAN WAS IN THE MASTER PLAN. AND I
4 THINK WHAT THAT DOES IS SETS UP -- AND MR. LEVENTHAL DOESN'T
5 LIKE DISTRICT COUNCIL AND I'M NOT SURE I TERRIBLY DISAGREE
6 WITH HIM. BUT GEORGE, WE'RE GOING TO SPEND, YOU KNOW, 50%, 75%
7 MORE TIME IN DISTRICT COUNCIL IF WE DO THIS BECAUSE THERE'LL
8 BE NO INCENTIVE FOR A DEVELOPER TO TALK TO THE COMMUNITY. I
9 WOULDN'T SAY NO INCENTIVE BUT IT WOULD CERTAINLY CUT DOWN ON
10 THE INCENTIVES. SO MY UNDERSTANDING IS THAT THERE NO MOTION ON
11 THE FLOOR SO I WILL MAKE A MOTION TO GRANT THE DENIAL.

12

13 **SPEAKER:** NEED YOU TO APPROVE THE --

14

15 **COUNCILMEMBER SUBIN:** APPROVE THE DENIAL, GRANT THE DENIAL,
16 WHATEVER.

17

18 **SPEAKER:** I SECOND THE MOTION.

19

20 **COUNCILMEMBER SUBIN:** TAKE OUT YOUR THESAURUS.

21

22 **COUNCILMEMBER PRAISNER:** I JUST WANT TO ECHO THE PROBLEM THAT I
23 THINK WE'VE BEEN PUT IN FROM A STANDPOINT OF AFTER-THE-FACT
24 REQUESTS. AND IT MAY BE THAT THIS PARCEL HAS, THEREFORE, SOME
25 EXTENDED COMPLICATIONS ASSOCIATED WITH IT BY VIRTUE OF THE WAY

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1 IT WAS HANDLED BUT I AGREE VERY MUCH WITH THE POINT MR. SUBIN
2 WAS JUST MAKING. IF WE MOVE AND RECONSIDER AND GO THROUGH
3 ACTIONS THAT LEAVE AN IMPRESSION THAT ONCE HAVING TAKEN AN
4 ACTION WE'LL GO BACK AND MODIFY THAT ACTION. I THINK WE OPEN
5 UP MORE THAN JUST WHAT MIGHT NOT BE THE BEST ACTIONS FOR THE
6 NEXT THREE YEARS OR 18 MONTHS FOR THIS SPECIFIC PARCEL. WE
7 OPEN UP THE LIKELIHOOD THAT FOLKS CAN CONTINUE TO HAVE BITES
8 AT THE APPLE RATHER THAN WORKING THROUGH THE PROCESS. THE TIME
9 TO HAVE ASKED FOR WITHDRAWAL OR THE TIME TO HAVE ASKED FOR
10 WITHOUT PREJUDICE WAS WHILE WE WERE DISCUSSING THE ISSUE, NOT
11 TWO, THREE WEEKS LATER, A MONTH LATER. IT IS ONE PARCEL. IT IS
12 UNFORTUNATE THAT THERE ARE A VARIETY OF ISSUES THAT WILL
13 HAPPEN AS VIRTUE OF THIS BUT IT IS ALSO UNFORTUNATE THAT WE
14 WERE PUT IN THIS SITUATION IN THE FIRST PLACE WITH THE
15 PROPOSAL THAT WAS IN FRONT OF US. AND TO CHANGE OUR APPROACH
16 AT THIS POINT IS, I THINK, TO SEND A DIFFERENT MESSAGE TO
17 APPLICANTS WHO WILL COME FORWARD; A MESSAGE THAT I WOULD NOT
18 LIKE TO SEND, SO I WILL SUPPORT MR. SUBIN'S INTENT.

19
20 **COUNCIL PRESIDENT PEREZ:** MR. LEVENTHAL?

21
22 **COUNCILMEMBER LEVENTHAL:** I FIND MR. SUBIN AND MRS. PRAISNER'S
23 ARGUMENT PERSUASIVE BUT I JUST HAVE ONE QUESTION. WHAT IS THE
24 APPLICANT -- HOW IS THE APPLICANT SUPPOSED TO GAUGE WHEN TO
25 WITHDRAW? BY DEBATE ON THE COUNCIL WHEN THINGS SEEM LIKE

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1 THEY'RE NOT GOING HIS OR HER WAY? HOW DOES THE APPLICANT KNOW
2 -- I MEAN HOW WOULD THE APPLICANT HAVE KNOWN TO WITHDRAW?
3 [OVERLAPPING VOICES] IS IT WHOOPS, SORRY. INTERRUPT THE
4 COUNCIL AND SAY I'M GOING TO WITHDRAW NOW OR --

5

6 **SPEAKER:** YOU RAISE AN EXCELLENT POINT, MR. LEVENTHAL. THERE
7 ISN'T REALLY ANY OPPORTUNITY FOR THE APPLICANT TO INTERRUPT
8 WHILE THE COUNCIL IS DELIBERATING. THEY CAN'T JUST RAISE THEIR
9 HAND AND SAY, WE'D LIKE TO REQUEST WITHDRAWAL. I'M NOT SURE
10 WHEN THEY WOULD DO THAT, FRANKLY. MAYBE DURING ORAL ARGUMENT.

11

12 **COUNCILMEMBER PRAISNER:** PEOPLE DO THAT IN FRONT OF PLANNING
13 BOARD EVERY DAY.

14

15 **SPEAKER:** BUT NOT IN FRONT OF COUNCIL.

16

17 **COUNCILMEMBER PRAISNER:** ON SAME KINDS OF ISSUES.

18

19 **SPEAKER:** DO THEY HAVE THE OPPORTUNITY TO COME UP THE TO THE
20 TABLE DURING COUNCIL DELIBERATIONS? I'VE NOT SEEN THAT HAPPEN.
21 THEY'RE IN THE AUDIENCE. I MEAN IF IT'S PROCEDURALLY
22 ACCEPTABLE, THEN I STAND CORRECTED BUT I'VE NOT SEEN THAT
23 OPPORTUNITY BE PROVIDED.

24

25 **SPEAKER:** THAT'S CORRECT.

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The Montgomery County Council**



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1

2 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN?

3

4 **COUNCILMEMBER SUBIN:** WELL, YOU KNOW, THERE ARE OPPORTUNITIES.
5 YOU KNOW THE TENOR OF WHAT'S GOING ON DURING ORAL ARGUMENT, IN
6 THIS CASE. I'M NOT A FAN OF ORAL ARGUMENT BUT CLEARLY THAT IS
7 A POINT THAT SAYS HERE'S WHY YOU GRANT ORAL ARGUMENT, SO BOTH
8 SIDES CAN SEE WHERE THAT DEBATE IS GOING AND GET A FLAVOR FOR
9 THAT AND JUMP UP AND SAY, I'M OUT OF HERE. YOU KNOW WE DON'T -
10 - IN A CASE LIKE THIS I CAN'T SEE THE COUNCIL NOT LOVING TO
11 TAKE A VOTE SUCH AS THIS, WHERE THERE'S SUCH DISSENSION AND
12 THERE ARE COMPETING INTERESTS ON EITHER SIDE. IF SOMEBODY
13 JUMPED UP AND SAID, I'M OUT OF HERE. AS OF NOW I'M -- ON THE
14 RECORD, I'M WITHDRAWING MY APPLICATION. GO WITH THE SUNSHINE
15 OUT THE DOOR. WE'RE OUT OF HERE, TOO. WHAT'S THE NEXT ISSUE ON
16 THE AGENDA?

17

18 **COUNCILMEMBER LEVENTHAL:** OKAY, NEXT QUESTION, IF I COULD --

19

20 **COUNCILMEMBER SUBIN:** THERE IS NO -- GEORGE, THERE IS NO RULE
21 THAT I KNOW OF THAT SAYS UP UNTIL THE TIME THAT THE VOTE IS
22 TAKEN BY THE COUNCIL SOMEBODY CANNOT -- CAN WITHDRAW THEIR
23 APPLICATION.

24

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1 **COUNCILMEMBER LEVENTHAL:** OKAY, THANKS. NEXT QUESTION. SO, JUST
2 TRYING TO UNDERSTAND HOW WE GOT TO WHERE WE ARE, THE APPLICANT
3 COULD HAVE SPECIFICALLY REQUESTED THAT THE COUNCIL DENY
4 WITHOUT PREJUDICE. AND HAD THAT HAPPENED AT THAT TIME THEN THE
5 THREE-YEAR PROHIBITION WOULD NOT APPLY? IS THAT RIGHT? IF WE
6 AGREED, YEAH RIGHT, IF WE'D VOTED FOR THAT.

7

8 **MR. HANSEN:** ONCE THERE IS A DECISION ON THE MERITS --

9

10 **COUNCILMEMBER LEVENTHAL:** RIGHT.

11

12 **COUNCILMEMBER FLOREEN:** BUT BEFORE THE DECISION --

13

14 **MR. HANSEN:** OKAY, BEFORE THE DECISION, YES.

15

16 **COUNCILMEMBER LEVENTHAL:** YEAH. THE COUNCIL, BACK WHEN WE VOTED
17 ON THIS, COULD HAVE SAID, WE ARE DENYING WITHOUT PREJUDICE.
18 AND THE APPLICANT COULD HAVE ASKED US TO DO THAT BUT NEITHER
19 OF THOSE THINGS HAPPENED.

20

21 **MR. HANSEN:** I THINK A DENIAL IS A DECISION ON MERITS. SO I
22 THINK THE 36-MONTH MORATORIUM WOULD ATTACH IF THERE IS DENIAL,
23 EVEN IF YOU SAID IT'S WITHOUT PREJUDICE OR WITHOUT PREJUDICE -

24 -

25

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The Montgomery County Council**



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1 **COUNCILMEMBER LEVENTHAL:** SO THIS CONCEPT OF WITHOUT PREJUDICE
2 HAS NOTHING --

3

4 **MR. HANSEN:** MEANINGLESS. ONCE THERE'S A DECISION THE 36 MONTHS
5 ATTACHES, PERIOD.

6

7 **SPEAKER:** REALLY?

8

9 **MR. HANSEN:** YES.

10

11 **MR. WILSON:** ACCORDING TO THE REGIONAL DISTRICT GUIDE.

12

13 **MR. HANSEN:** BASED ON THE REGIONAL DISTRICT GUIDE, YES.

14

15 **SPEAKER:** ALL OF THE OLD REGIONAL DISTRICT GUIDES, ACTUALLY.

16

17 **COUNCIL PRESIDENT PEREZ:** I HAD FORGOTTEN ABOUT THE OLD R.D.A.
18 MS. FLOREEN?

19

20 **COUNCILMEMBER FLOREEN:** WELL, AS MUCH AS I ENJOY THIS DEBATE,
21 THE FACT OF THE MATTER IS THAT THE REQUEST WAS NOT MADE EITHER
22 AT THE MOMENT OF THE VOTE OR THE MINUTE AFTER THE VOTE TO ASK
23 THAT IT BE AMENDED TO ALLOW THE APPLICANT TO REFILE OR TO
24 WITHDRAW WITHOUT PREJUDICE, HOWEVER THE WORDS NEEDED TO BE
25 MADE. AND THE QUESTION FOR US IS WHETHER THE FAILURE TO MAKE

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1 THAT REQUEST ON THAT DAY AS OPPOSED TO THE DAY AFTER IS --
2 CHANGES THE CALCULATION. THAT'S IT IN A NUTSHELL. BECAUSE THE
3 REQUEST IS MADE THE NEXT DAY, IN WRITING. AND WE CAN DECIDE --
4 I MEAN THAT'S THE ONLY ISSUE IN FRONT OF US. BUT --

5

6 **COUNCIL PRESIDENT PEREZ:** I THINK WE UNDERSTAND THE ISSUES.
7 THIS REQUIRES A ROLL CALL.

8

9 > [SPEAKER NOT UNDERSTOOD]

10

11 >>**COUNCIL PRESIDENT PEREZ:** CORRECT.

12

13 **COUNCILMEMBER SUBIN:** YES IS TO DENY, YES IS NO.

14

15 **SPEAKER:** A YES IS -- [SPEAKER NOT UNDERSTOOD]

16

17 **COUNCIL PRESIDENT PEREZ:** YES IS TO DENY. NO IS NOT TO DENY.

18

19 **COUNCILMEMBER PRAISNER:** YES IS TO ADOPT THE OPINION --

20

21 **COUNCIL PRESIDENT PEREZ:** RIGHT. CORRECT.

22

23 **CLERK:** COUNCILMEMBER DENIS?

24

25 **COUNCILMEMBER DENIS:** YES.

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The Montgomery County Council**



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1

2 **CLERK:** COUNCILMEMBER FLOREEN?

3

4 **COUNCILMEMBER FLOREEN:** YES.

5

6 **CLERK:** AND MR. SUBIN?

7

8 **COUNCILMEMBER SUBIN:** YES. [LAUGHTER]

9

10 **COUNCILMEMBER SILVERMAN:** WHAT? YES.

11

12 **CLERK:** AND MR. KNAPP?

13

14 **COUNCILMEMBER KNAPP:** YES.

15

16 **CLERK:** AND MR. ANDREWS?

17

18 **COUNCILMEMBER ANDREWS:** YES.

19

20 **CLERK:** MS. PRAISNER? COUNCILMEMBER PRAISNER: YES.

21

22 **CLERK:** AND MR. LEVENTHAL?

23

24 **COUNCILMEMBER LEVENTHAL:** YES. [SPEAKER NOT UNDERSTOOD]

25

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The Montgomery County Council**



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1 **COUNCIL PRESIDENT PEREZ:** YES. OKAY. [OVERLAPPING VOICES] YES,
2 MR.

3

4 **SILVERMAN?**

5

6 >>**COUNCILMEMBER SILVERMAN:** A POINT OF PERSONAL PRIVILEGE, MR.
7 PRESIDENT. I HAVE TO ATTEND A FUNERAL AT 11:00 SO --

8

9 **COUNCIL PRESIDENT PEREZ:** AND MR. SUBIN AS WELL. I KNOW.

10

11 **COUNCILMEMBER SILVERMAN:** I APOLOGIZE AND I WILL BE BACK --

12

13 **COUNCILMEMBER SUBIN:** YEAH, FOR THE RECORD I'M ATTENDING THE
14 SAME FUNERAL.

15

16 **COUNCIL PRESIDENT PEREZ:** THANK YOU AND APPRECIATE IT, GREAT.
17 YEAH, PLEASE DO. THANK YOU.

18

19 **COUNCILMEMBER LEVENTHAL:** I'M GOING TO ATTEND THE SAME FUNERAL.

20

21 **SPEAKER:** WAIT A MINUTE.

22

23 **COUNCILMEMBER SUBIN:** MOVE TO CALL A RECESS. [OVERLAPPING
24 VOICES]

25

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May 10, 2005

1 COUNCIL PRESIDENT PEREZ: OKAY.

2

3 COUNCILMEMBER PRAISNER: WELL, THE REST OF US WOULD LIKE TO GO
4 TO THE FUNERAL.

5

6 COUNCIL PRESIDENT PEREZ: YEAH, I KNOW.

7

8 COUNCILMEMBER PRAISNER: BUT I THOUGHT WE COULDN'T.

9

10 COUNCIL PRESIDENT PEREZ: YEAH, I KNOW. IS MR. DENIS STILL
11 HERE? I KNOW. OKAY. LET'S MOVE ON TO THE WORK SESSIONS ON THE
12 BUDGETS. INTERGOVERNMENTAL, YES.

13

14 COUNCILMEMBER PRAISNER: NOW, WHERE ARE YOU? COME JOIN US AT
15 THE TABLE. WE'RE GOING TO START A SERIES OF VERY SMALL BUDGETS
16 BEFORE WE GET TO THE DEPARTMENT OF PUBLIC WORKS AND
17 TRANSPORTATION. SO I HOPE WE CAN DEAL WITH THESE AND OTHER
18 ITEMS BEFORE M.F.P. DECIDES INDIVIDUAL DEPARTMENTS, RELATIVELY
19 SMALL DEPARTMENTS. THE OFFICE OF INTERGOVERNMENTAL RELATIONS
20 IS, AS EVERYONE KNOWS, BUT JUST AND PHIL WEEDA FROM THE OFFICE
21 OF MANAGEMENT AND BUDGET IS HERE AS WELL, IS THE UNIT THAT IS
22 OUR LEAN, STRONG MACHINE IN BOTH ANNAPOLIS AND TO THE EXTENT
23 WE HAVE ISSUES ON CAPITOL HILL AS WELL. AND THIS SMALL UNIT
24 DOES A FANTASTIC JOB TRYING TO HANDLE ALL OF THE ISSUES THAT
25 ARE ASSOCIATED WITH MONTGOMERY COUNTY INTERESTS AND CONCERNS

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1 IN ANNAPOLIS DURING THOSE 90 DAYS TO THE EXTENT THE GENERAL
2 ASSEMBLY OR GOVERNOR THROUGH THE BOARD OF PUBLIC WORKS ARE
3 WORKING ON ISSUES OUTSIDE OF THOSE 90 DAYS, ALSO MANAGING IT
4 AS WELL. THE ADDITIONAL CHALLENGE THE OFFICE HAS IS BY VIRTUE
5 OF HAVING TO BE IN TWO PLACES AT THE SAME TIME, SUPPORTING US
6 BACK HOME HERE BUT ALSO BEING IN OUR OFFICE IN ANNAPOLIS. AND
7 THERE ARE TECHNICAL CHALLENGES ASSOCIATED WITH THAT, INCLUDING
8 TELEPHONE AND SUPPORT ISSUES, WHICH I THINK MEL AND ALISON
9 MOORE AND OTHERS ARE WORKING THROUGH FROM A D.T.S. SUPPORT
10 PERSPECTIVE. IN ESSENCE, THEY'RE AS -- AS KEITH LEVCHENKO HAS
11 LAID OUT, THIS IS SMALL OFFICE. SINCE THE DEPARTMENT IS LESS
12 THAN A MILLION DOLLARS THERE REALLY IS NO REQUIRED TARGET
13 REDUCTION FROM COUNCIL PRESIDENT BUT SINCE THEY ARE A GENERAL
14 FUND TAX-SUPPORTED DEPARTMENT THE COMMITTEE DID REVIEW WITH
15 O.I.R. WHAT POSSIBILITIES THERE MIGHT BE FOR REDUCTIONS, THE
16 GIVEN PERSONNEL CHANGES AND THE ABILITY PERHAPS WITH THE
17 HIRING OF REPLACEMENT PERSONNEL, THE COMMITTEE SUPPORTED A
18 \$9,000 REDUCTION IN PERSONNEL COSTS THROUGH INCREASING LAPSE.
19 IN ADDITION, I JUST WANT TO MAKE NOTE OF THE FACT THAT WE HAVE
20 MODIFIED THE CONTRACT ASSOCIATED WITH THE WONDERFUL STAFF
21 SUPPORT THAT WE HAVE AT THE -- IN CAPITOL HILL. I KNOW WE'RE
22 WORKING ON OTHER COUNCIL BUSINESS AND THAT MAKES IT DIFFICULT
23 TO KEEP FOCUSED ON THE OFFICE OF INTERGOVERNMENTAL RELATIONS
24 BUT IF FOLKS COULD FOCUS ON THEM FOR A MOMENT PLEASE. I THINK
25 GIVEN THE TIME THAT THEY SPEND, WE CAN GIVE THEM THIS SMALL

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1 AMOUNT OF TIME. THE CAPITOL HILL SUPPORT HAS BEEN EXPANDED
2 FROM A -- CALLING THAT PERSON RATHER THAN A CONTRACT, A PART-
3 TIME LEGISLATIVE ANALYST, I THINK THAT PROVIDES US INCREASED
4 FLEXIBILITY WITH THE SAME INDIVIDUAL AND MAXIMIZES THE
5 SIGNIFICANT VALUE THAT SHE BRINGS AS WELL. SO, THE COMMITTEE
6 RECOMMENDS APPROVAL WITH THAT REDUCTION. I DON'T KNOW IF MEL
7 HAS ANYTHING SHE'D LIKE TO --

8

9 **COUNCIL PRESIDENT PEREZ:** I WAS JUST ABOUT TO ASK.

10

11 **MEL:** I'M ACCEPTING OF RECOMMENDATIONS THAT THE M.F.P.
12 COMMITTEE HAS MADE AND SINCE YOU HAVE A FULL AGENDA TODAY,
13 I'LL STOP THERE.

14

15 **COUNCIL PRESIDENT PEREZ:** LESS IS MORE. I HAVE SAID THIS BEFORE
16 BUT I DO WANT TO SAY IT AGAIN. I REALLY APPRECIATE THE
17 REMARKABLE WORK THAT YOU DID DURING THE SESSION AND HAVE DONE.
18 I REALLY GOT A CHANCE TO GET TO WORK WITH YOU MUCH MORE
19 CLOSELY THIS YEAR THAN IN THE PAST. AND IT WAS CERTAINLY A
20 PLEASURE FOR ME, NOT ONLY WITH YOU BUT WITH ALL OF THE PEOPLE
21 ON YOUR STAFF AND I'M VERY EXCITED THAT WE WERE ABLE TO
22 APPROPRIATE ONE OF YOUR STAFF MEMBERS, WHO WAS --

23

24 **MEL:** I'M SLIGHTLY LESS EXCITED -- [LAUGHTER]

25

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1 COUNCIL PRESIDENT PEREZ: WE'RE FAR MORE EXCITED THAN YOU.

2

3 MEL: BUT I'M HAPPY FOR YOU.

4

5 COUNCILMEMBER PRAISNER: ESPECIALLY SINCE WE JUST INCREASED THE
6 LAPSE, AS OF THIS --

7

8 COUNCIL PRESIDENT PEREZ: YEAH, REALLY.

9

10 MEL: SHE IS DIFFICULT TO REPLACE ANYWAY AND WON'T BE REPLACED
11 FOR SOME TIME.

12

13 COUNCIL PRESIDENT PEREZ: RIGHT.

14

15 MEL: BUT THANK YOU. OBVIOUSLY WE DON'T DO IT ALONE. THE OFFICE
16 APPRECIATES YOUR SUPPORT OF US AND THE EXECUTIVE SUPPORT AND
17 ALL OF YOUR SUPPORT ON THE HILL AND IN ANNAPOLIS AS WELL, SO
18 THANK YOU.

19

20 COUNCIL PRESIDENT PEREZ: WELL, I CERTAINLY LEARNED A LOT ABOUT
21 THE VALUE ADDED FROM YOUR OFFICE. I KNEW IT INTUITIVELY BUT I
22 EXPERIENCED IT DIRECTLY IN A WAY I HADN'T DONE PREVIOUSLY. AND
23 I'M VERY GRATEFUL FOR ALL OF YOUR WORK. MR. ANDREWS?

24

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1 **COUNCILMEMBER ANDREWS:** I WANT TO SECOND THAT. YOU DO GREAT
2 WORK AND THE FOLKS WITH THE COUNTY COUNCIL JUST NEED TO WORRY
3 ABOUT 9, OR SO. YOU'VE TO WORRY ABOUT 188 UP THERE SO, THAT'S
4 A BIG JOB.

5

6 **MEL:** THANK YOU.

7

8 **COUNCIL PRESIDENT PEREZ:** GREAT. THANK YOU.

9

10 **COUNCILMEMBER PRAISNER:** THE NEXT OFFICE WE'RE GOING TO REVIEW
11 IS THE OFFICE OF INSPECTOR GENERAL. MR. DAGLEY, YOU WANT TO
12 JOIN US AT THE TABLE? THIS IS OUR FIRST OPPORTUNITY FOR THE
13 COUNCIL TO HAVE A BUDGET REVIEW WITH THE INSPECTOR GENERAL,
14 OUR NEW INSPECTOR GENERAL. THE BUDGET IN FRONT OF US, THE
15 COMMITTEE RECOMMENDS APPROVAL. AGAIN, WHEN WE'RE TALKING ABOUT
16 THIS BUDGET, IT'S A VERY SMALL BUDGET WITH A MILLION DOLLARS -
17 - LESS THAN A MILLION DOLLARS, SO IT'S NOT SUBJECT TO THE
18 TARGET REDUCTION. IN LOOKING AT THE REVIEW, COUNCIL STAFF AND
19 THE COMMITTEE AGREED THAT GIVEN THE HITS THAT THIS DEPARTMENT
20 HAS HAD, UNIT HAS HAD IN THE PAST AND THE TURNOVER SAVINGS
21 THAT MIGHT HAVE BEEN INVOLVED WITH PERSONNEL COSTS, BUT THEN
22 IN INCREASED COSTS THAT ARE ASSOCIATED WITH FILLING THE
23 COMPLEMENT, THE COMMITTEE DETERMINED AND AGREED WITH THE
24 COUNCIL STAFF THAT NO REDUCTION SHOULD BE TAKEN IN THIS OFFICE,
25 SINCE ACTUALLY FROM THE CHARGE NO REDUCTION IS NECESSARY. WE

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1 WILL BE MEETING WITH THE INSPECTOR GENERAL AFTER THE BUDGET TO
2 TALK ABOUT A VARIETY OF ISSUES. WORK PLANS DISCUSSIONS, HOW
3 THE NEW INSPECTOR GENERAL MIGHT -- WHATEVER THOUGHTS HE MIGHT
4 HAVE ABOUT A VARIETY OF ISSUES THAT FALL WITHIN HIS PURVIEW
5 AND THE COMMITTEE'S INTEREST IN PERFORMANCE MEASURES AND
6 PRODUCTIVITY ISSUES AND HOW WE MIGHT FULFILL SOME OF THE
7 EXPECTATIONS WHEN THE OFFICE WAS CREATED, OF ENCOURAGING FOLKS
8 WITHIN OTHER DEPARTMENTS TO PERHAPS CONSIDER ROTATIONS INTO
9 THAT UNIT FOR A PERIOD OF TIME, PERHAPS TO WORK ON SPECIAL
10 PROJECTS THAT THE I.G. MIGHT HAVE IDENTIFIED AND HOW WE MIGHT
11 USE CONTRACTS AND INTERNS MORE EFFECTIVELY IN THE FUTURE. SO
12 WE INTEND TO SCHEDULE THOSE DISCUSSIONS AFTER THE BUDGET AND
13 AFTER OUR NEW I.G. HAS A LITTLE MORE TIME TO GET A FEELING FOR
14 THE ATMOSPHERE AND FOR INITIATIVES THAT HE MIGHT WANT TO
15 PURSUE. SO WITH THAT, MR. DAGLEY, ARE THERE ANY COMMENTS YOU'D
16 LIKE TO MAKE, SINCE THIS IS YOUR FIRST FORAY ON THIS PROCESS
17 WITH US?

18
19 **MR. DAGLEY:** ONLY THAT THE FOUR-YEAR WORK PLAN, WHICH IS
20 REQUIRED, WILL BE THE CORE PROJECT TO ADDRESS EACH OF THOSE
21 ITEMS THAT YOU'VE MENTIONED. THAT'S WELL UNDERWAY AND MORE
22 SHORT-TERM THAN LONG-TERM, I'D BE WELL-PREPARED TO SIT DOWN
23 AND DISCUSS THOSE ISSUES WITH YOU.

24

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1 **COUNCILMEMBER PRAISNER:** THANK YOU. I WOULD ONLY MAKE ONE OTHER
2 COMMENT. WE BASICALLY HAVE THREE UNITS IN GOVERNMENT THAT LOOK
3 AT A VARIETY OF ISSUES THAT DEAL WITH WASTE, FRAUD AND ABUSE.
4 THE INTERNAL AUDIT FUNCTIONS WITHIN THE DEPARTMENT OF FINANCE,
5 OUR OFFICE OF LEGISLATIVE OVERSIGHT, WHICH WE FOCUS MORE ON
6 PERHAPS AN EXAMINATION OF PROGRAMS OR AN ANALYSIS RATHER THAN
7 A FERRETING OUT OF WHAT MIGHT BE MORE IN THE PURVIEW OF AN I.G.
8 AND OFFICE OF INSPECTOR GENERAL. AND ONE OF THE ISSUES I'D
9 LIKE TO PURSUE IN THE FUTURE IS HOW THOSE THREE UNITS MIGHT
10 FUNCTION TOGETHER IN THESE ISSUES, RECOGNIZING THE DISCRETE
11 RESPONSIBILITIES AND ALSO THE DIFFERENT WAYS IN WHICH FOLKS
12 MAY ACCESS THOSE FUNCTIONS. AND FINALLY, THE DIFFERENCE BEING
13 THE AUDIT DECISIONS MADE BY FINANCE WITHIN THEIR CAPACITY OF
14 THE INTERNAL AUDIT AND MORE THE DOLLAR KINDS OF ISSUES OF
15 AUDIT AND RECONCILIATION ASSOCIATED WITH THAT FUNCTION. THE
16 OFFICE OF LEGISLATIVE OVERSIGHT WHERE THE COUNCIL HAS A DIRECT
17 ROLE IN DETERMINING THE WORK PLAN AND THE I.G. OFFICE WHERE
18 THE COUNCIL HAS SPECIFICALLY AND DEFINITELY SAID IN ITS
19 CREATION OF THE I.G. THAT IT WANTED A HANDS-OFF, AS IT WANTED
20 ANY ELECTED HANDS-OFF IN THE DETERMINATION OF WHAT WORK WOULD
21 BE DONE. AND SO WHEN YOU CREATE A WORK PLAN WE'RE REALLY NOT
22 LOOKING AT SPECIFIC, OR WE HAVE NOT IN THE PAST, LOOKED AT
23 SPECIFIC TASKS TARGETED TO A SPECIFIC, SAY, ISSUE OR
24 DEPARTMENT, WHICH THE I.G. MAY DETERMINE IS WHAT THE I.G.
25 WANTS TO DO OR FEELS HAS BEEN BROUGHT TO HIS ATTENTION. AND

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1 THAT'S THE COMPLEXITY OF LOOKING AT A WORK PLAN FOR FOUR YEARS
2 WHEN IT IS ANONYMOUS, ALMOST. IT'S NOT IDENTIFIED AND TARGETED
3 FOR SOME SPECIFIC THING, UNLIKE THE OFFICE OF LEGISLATIVE
4 OVERSIGHT. SO I THINK THOSE ARE THE KINDS OF ISSUES THAT WE'LL
5 CONTINUE TO PURSUE TOGETHER. I WANT TO ALSO SAY THAT GIVEN THE
6 COMMUNITY GROUP THAT HELPED US WITH THE SELECTION OF THE NEW
7 INSPECTOR GENERAL, THE FACT THAT IT INCLUDED AN OUTSTANDING
8 GROUP OF INDIVIDUALS, INCLUDING TWO INSPECTORS GENERAL FROM
9 THE FEDERAL GOVERNMENT, MR. DAGLEY CAME VERY HIGHLY-
10 RECOMMENDED AND I THINK THE COUNCIL WAS VERY ENTHUSIASTIC --
11 IS VERY ENTHUSIASTIC ABOUT HIS COMING TO MONTGOMERY COUNTY AND
12 WORKING IN THIS ROLE, GIVEN HIS EXPERIENCE, ESPECIALLY AT THE
13 STATE LEVEL AND WE LOOK FORWARD TO A LONG TENURE OF SUCCESS.

14
15 **MR. DAGLEY:** THANK YOU VERY MUCH. WITH REGARD TO THE UNITS OF
16 INTERNAL AUDIT AND FOR O.L.O., I'VE HAD THE PLEASURE OF
17 MEETING LEADERS OF BOTH OF THOSE OFFICES. AND WITH REGARD TO
18 CONCERNS OVER REDUNDANCY OR OVERLAP BETWEEN THOSE UNITS, I
19 THINK WE'RE WELL ON OUR WAY TO ENSURING THAT DOES NOT OCCUR.

20
21 **COUNCILMEMBER PRAISNER:** GREAT, THANK YOU.

22
23 **MR. DAGLEY:** THANK YOU.

24
25 **COUNCILMEMBER PRAISNER:** I THINK THAT'S ALL, MR. PRESIDENT.

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1

2 **MR. DAGLEY:** JUST ONE CLARIFICATION. AS PART OF LAW COUNTY THE
3 COUNCIL IS REQUIRED TO RECOMMEND --

4

5 **COUNCILMEMBER PRAISNER:** RIGHT. AND WE'RE -- THE BUDGET, RIGHT.

6

7 **MR. DAGLEY:** A BUDGET FOR THE LAST THREE FISCAL YEARS AS WELL.
8 OBVIOUSLY IT'S A PROJECTION BUT AS OF LAST YEAR STAFF HAD
9 RECOMMENDED AND COMMITTEE SUPPORTED A 5% INCREASE FOR NEXT
10 YEAR AND 0 BEYOND THOSE TWO YEARS JUST FOR PLACE HOLDER
11 PURPOSES.

12

13 **COUNCILMEMBER PRAISNER:** THANK YOU, I FORGOT TO TURN TO PAGE 4.
14 I APPRECIATE YOUR MAKING THAT POINT. WE ARE, IN ESSENCE, DOING
15 NOT JUST THIS YEAR'S BUDGET BUT A GENERAL FRAMEWORK FOR THE
16 FOUR YEARS. WE WILL HAVE A FURTHER CONVERSATION FOR THE THREE
17 FUTURE YEARS AND WE'LL HAVE A FURTHER CONVERSATION, OBVIOUSLY,
18 ABOUT THAT ISSUE OUTSIDE THE BUDGET. SO THE COUNCIL, BY VIRTUE
19 OF OUR CONSIDERATION HERE, WILL BE AFFIRMING THE BUDGET FOR
20 THIS YEAR AND THE OTHER THREE YEARS IN THE FOUR-YEAR PLAN,
21 OKAY?

22

23 **COUNCIL PRESIDENT PEREZ:** SO ARE YOU ENJOYING YOURSELF?

24

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1 **MR. DAGLEY:** I AM. IT'S BEEN A PRODUCTIVE AND VERY BUSY FIRST
2 THREE TO FOUR WEEKS.

3

4 **COUNCIL PRESIDENT PEREZ:** WELL, WE'RE, AGAIN REITERATING MS.
5 PRAISNER'S OBSERVATIONS. WE'RE GLAD TO HAVE YOU ABOARD AND WE
6 LOOK FORWARD TO LEARNING ABOUT WHAT YOU'RE GOING TO BE DOING.
7 AND WHENEVER YOU'RE READY TO COME OVER HERE AND PICK OUR BRAIN
8 -- AT LEAST NOT MUCH, SPEAKING FOR MYSELF, NOT MUCH LEFT TO BE
9 PICKED -- THERE WASN'T MUCH THERE TO BEGIN WITH BUT LOVE TO
10 SIT DOWN WITH YOU.

11

12 **MR. DAGLEY:** THANK YOU.

13

14 **COUNCIL PRESIDENT PEREZ:** OKAY.

15

16 **COUNCILMEMBER PRAISNER:** THANK YOU. THE NEXT OFFICE IS THE
17 OFFICE OF PROCUREMENT, DR. TIGNOR AND FOLKS JOIN US AT THE
18 TABLE, AND SONYA JOIN US. THE MANAGEMENT AND FISCAL POLICY
19 COMMITTEE REVIEWED THE BUDGET FOR THE OFFICE OF PROCUREMENT.
20 AS YOU KNOW, THE OFFICE OF PROCUREMENT IS RESPONSIBLE FOR
21 ACQUIRING ALL GOODS, SERVICES AND CONSTRUCTION NECESSARY TO
22 CARRY OUT THE FUNCTIONS OF COUNTY GOVERNMENT IN A COST-
23 EFFECTIVE AND TIMELY MANNER, CONSISTENT WITH REQUIRED
24 SPECIFICATIONS AND ESTABLISHED PROCUREMENT POLICIES AND LAWS.
25 THE PACKET TALKS ABOUT THE DIFFERENT UNITS AND FUNCTIONS

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1 WITHIN PROCUREMENT, INCLUDING PROCUREMENT OF GOODS AND
2 SERVICES. THE M.F.D. PROCUREMENT ISSUES AND THEN THE
3 ADMINISTRATIVE, AUTOMATION -- OH, GREAT -- AND REPORTS
4 MANAGEMENT AND THEN THE INTERNAL ADMINISTRATION FOR THE UNIT.
5 THE OPERATING BUDGET FOR THE OFFICE IS A -- SHOWS A 4.5%
6 INCREASE FROM THE APPROVED BUDGET OF THE PAST -- THIS CURRENT
7 FISCAL YEAR. AND AS YOU KNOW, PERSONNEL COSTS ARE OVER 90% OF
8 THE BUDGET. OPERATING EXPENSES ARE THE REMAINING PORTION. THE
9 OFFICE OF PROCUREMENT OVER THE YEARS UNDER DR. TIGNOR HAS MADE
10 SIGNIFICANT PROGRESS IN A VARIETY OF WAYS, WORKING WITH OTHER
11 PROCUREMENT OFFICES IN OUR INTERAGENCY PROCUREMENT, BOTH TO
12 STREAMLINE AND USE A UNIFORM CODE SYSTEM FOR GOODS SO THAT
13 FOLKS PROCURING -- GOING THROUGH A PROCUREMENT PROCESS HAVE
14 SOME CONSISTENCY OF UNDERSTANDING ACROSS THE DIFFERENT
15 AGENCIES. WE'VE ALSO GONE THROUGH SIGNIFICANT AUTOMATION IN
16 THE PROCESS AS WELL TO HELP FOLKS, BOTH TO SUBSCRIBE ONLINE
17 AND GET THE NOTICES OF ITEMS FOR PROCUREMENT OR SERVICES
18 WITHIN THE REQUIREMENTS THAT THE OFFICE OF PROCUREMENT HAS.
19 BEA HAS ALSO -- DR. TIGNOR -- HAS ALSO BEEN A DILIGENT MONITOR
20 OF WHAT IS APPROPRIATE FROM A LAWS AND PROCUREMENT REVIEW
21 PROCESS WITHIN MONTGOMERY COUNTY, WHICH I THINK STRIKES THE
22 APPROPRIATE LINE BETWEEN BEING RESPONSIVE AND PROVIDING
23 INFORMATION FOR THOSE WHO MIGHT WISH TO SECURE BUSINESS WITH
24 THE COUNTY AND ENSURING THAT THOSE WHO ARE IN THE DECISION
25 MAKING PROCESS FOR THAT PROCUREMENT FOLLOW APPROPRIATE

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1 PROCEDURES AND AT THE SAME TIME THAT THE COUNTY TAXPAYERS ARE
2 ASSURED THAT THE MOST EFFICIENT AND THE MOST REASONABLE
3 PROPOSAL WITHIN THE PARAMETERS OF MEETING THE REQUIREMENTS OF
4 THE CONTRACT OR THE BID REQUIREMENTS ARE AWARDED THE CONTRACT.
5 IN ORDER TO MEET THE TARGETED REDUCTIONS, EVEN THOUGH THIS
6 BUDGET, AS I SAID, ONLY INCREASES 4.5% AND ALSO IN A
7 DEPARTMENT WHERE PERSONNEL COSTS ARE OVER 90% AND YOU KNOW HOW
8 MUCH PERSONNEL COSTS HAVE INCREASED EACH YEAR AS WE'VE LOOKED
9 AT THE OTHER DEPARTMENTS. I THINK IT'S COMMENDABLE. AND ALSO
10 MIGHT POTENTIALLY BE PROBLEMATIC THAT WE'RE NOT MOVING FORWARD
11 IN PROCUREMENT AT THE SAME LEVELS THAT YOU SEE SOME OF THE
12 OTHER DEPARTMENTS MOVING FORWARD. THE COMMITTEE, THOUGH,
13 RECOMMENDED THAT WE PUT ON THE RECONCILIATION LIST \$34,580 FOR
14 THE MULTILINGUAL INTEGRATED VOICE RESPONSE TELEPHONE SYSTEM. I
15 WOULD URGE THAT WHEN COUNCIL MEMBERS LOOK AT THE
16 RECONCILIATION LIST THAT THIS, FROM A STANDPOINT OF EFFICIENCY
17 AND OUTREACH IS WELL WORTH THE MONEY -- OF FUNDING. AND UNLIKE
18 PERSONNEL COSTS, WHICH ARE ALSO GOING TO APPEAR ON THE
19 RECONCILIATION LISTS DON'T HAVE THE SAME FY07 AND BEYOND
20 IMPLICATIONS ASSOCIATED WITH IT. THESE ARE BASICALLY ONE-TIME-
21 TYPE COSTS.

22
23 **COUNCIL PRESIDENT PEREZ:** NO TAILS THERE.

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1 **COUNCILMEMBER PRAISNER:** NO TAILS. AND IF TO THE EXTENT WE LOOK
2 AT DIFFERENT MODELS OF LOOKING AT REVENUE THAT MAY COME IN
3 SUBSEQUENTLY IN THE YEAR, I WOULD RECOMMEND THAT WE LOOK AT
4 TECHNOLOGY IMPROVEMENTS LIKE THIS, WHICH PROVIDE BETTER ACCESS
5 FOR FOLKS AND HAVE NO TAILS, AS MR. PEREZ SAYS, FROM A
6 STANDPOINT OF '07, '08 IMPLICATIONS, THAT THESE ARE THE KINDS
7 OF THINGS WE SHOULD BE LOOKING AT AND, FOR THE VERY MODEST
8 COST, WILL HELP US WITH THOSE INITIATIVES. ON THE OTHER HAND,
9 THE OTHER ADDITION TO THE RECONCILIATION LIST IS A PERSONNEL
10 COST THAT WILL HAVE SOME '07 AND BEYOND IMPLICATIONS. AND ON
11 THIS I WANTED -- AND THAT IS TO CONVERT A PART-TIME PROGRAM
12 MANAGER POSITION TO FULL-TIME TO HELP WITH THE IMPLEMENTATION
13 OF THE LOCAL SMALL BUSINESS RESERVE PROGRAM AND PERFORM OTHER
14 PROCUREMENT DUTIES. AS YOU KNOW, THE COUNCIL'S INITIATIVE ON
15 LOCAL SMALL BUSINESS WILL INCREASE AND HAS PRIMARY
16 RESPONSIBILITY BEING PLACED IN THE OFFICE OF ECONOMIC
17 DEVELOPMENT BUT THAT RESPONSIBILITY IS AN OUTREACH
18 COMMUNICATION AND MANAGEMENT PERSPECTIVE FROM A STANDPOINT OF
19 -- AND PERHAPS REVIEW CERTIFICATION, IDENTIFICATION WITHIN THE
20 PARAMETERS OF THE REGS, WHICH WE HAVEN'T REVIEWED OR SEEN YET,
21 OR APPROVED. BUT THE ACTUAL PROCUREMENT APPROVAL PROCESS ON
22 CONTRACTS IS GOING TO REQUIRE THE OFFICE OF PROCUREMENT
23 PROCESSING THAT MANY MORE CONTRACTS THAT MIGHT HAVE BEEN DONE
24 MORE INFORMALLY IN PAST BECAUSE OF THE THRESHOLD LEVELS. SO
25 THE WORKLOAD IN PROCUREMENT, BECAUSE ONLY PROCUREMENT, IN

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1 ESSENCE, PROCESS THE CONTRACTS, WILL BE SIGNIFICANT. ONE MIGHT
2 SUGGEST, AS WE DID WITH THE OFFICE OF ECONOMIC DEVELOPMENT
3 YESTERDAY, THAT PLACING THESE THINGS ON THE RECONCILIATION
4 LIST AND PERHAPS ACKNOWLEDGING THAT THEY MAY NOT COME OFF AT
5 THIS POINT IN TIME, SINCE WE REALLY DON'T KNOW HOW WE'RE GOING
6 TO OPERATE THIS PROGRAM AND DURING THE NEXT FEW MONTHS TO GET
7 THIS UP AND RUNNING IT MIGHT BE THAT WHEN WE LOOK AT THE
8 OFFICE OF ECONOMIC DEVELOPMENT COSTS WE SHOULD PIGGY-BACK THE
9 OFFICE OF PROCUREMENT COSTS. SO EVEN IF YOU DON'T DO THIS NOW,
10 YOU, IN ALL LIKELIHOOD, WILL HAVE TO DO THIS AT SOME POINT
11 WITHIN THE FISCAL YEAR. AND IT MIGHT BE A BETTER TIME TO LOOK
12 AT THE WHOLE THING COMPREHENSIVELY. I JUST WANT TO MAKE SURE
13 FOLKS UNDERSTAND THE DIVISION OF RESPONSIBILITY AND THE
14 ULTIMATE RESPONSIBILITY IN WORKING THROUGH THE CONTRACTS AS
15 AWARDED, ARE GOING TO FALL WITHIN THE OFFICE OF PROCUREMENT.
16 WITH THAT I DON'T KNOW IF DR. TIGNOR HAS ANYTHING SHE'S LIKE
17 TO SAY OR IF SONYA WANTS TO REMIND ME OF SOMETHING. I HAVE
18 FORGOTTEN.

19
20 **DR. TIGNOR:** I THINK YOU DID A GREAT JOB OF -- [LAUGHTER]

21
22 **DR. TIGNOR:** I HAVE NOTHING ELSE TO SAY. I DON'T WANT TO SPOIL
23 A GOOD THING.

24
25 **COUNCILMEMBER PRAISNER:** THANK YOU, BUDDY.

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1

2 **COUNCIL PRESIDENT PEREZ:** CAN I ASK ONE QUESTION?

3

4 **COUNCILMEMBER PRAISNER:** YOU'RE DOING A GREAT JOB, BEA.

5

6 **COUNCIL PRESIDENT PEREZ:** WHAT HAVE YOU BEEN -- IN TERMS OF THE
7 IMPLEMENTATION OF THE LIVING WAGE LAW WHAT HAS BEEN YOUR
8 OFFICE'S EXPERIENCE?

9

10 **DR. TIGNOR:** WELL, SO FAR IT HAS BEEN A VERY POSITIVE
11 EXPERIENCE EXCEPT FOR ONE CASE WHERE WE DID, YOU KNOW BY LAW
12 WE HAVE TO DO RANDOM AUDITS. THE RANDOM AUDIT THAT WE DID LAST
13 YEAR DID NOT TURN OUT TO BE A FAVORABLE AUDIT. WE ARE IN THE
14 PROCESS OF MOVING FORWARD TO MAKE SURE WE GET ANOTHER VENDOR
15 IN THAT POSITION, WHICH WILL ALSO BE -- IN THIS CASE IT WAS A
16 MINORITY VENDOR. I THINK WHEN WE PASSED, YOU PASSED THE LAW,
17 WE ALSO DID TALK ABOUT HOW THIS COULD IMPACT SMALL BUSINESSES
18 AND MINORITY VENDORS. BUT THE NEXT VENDOR THAT WE USE WILL
19 ALSO BE A MINORITY VENDOR. WE'RE STILL PUBLISHING ENGLISH AND
20 SPANISH FLIERS HAVE BEEN PUT UP AT EVERY POSITION. I MEAN
21 EVERY SITE, WORK SITE, THAT IS UNDER THE LIVING WAGE. AND
22 WE'VE HAD 100% COMPLIANCE WITH ALL OF THE LAWS, WITH ALL OF
23 THE VENDORS WHO HAVE AGREED TO SIGN CONTRACTS. IN SEVERAL
24 INSTANCES WHERE THERE HAS BEEN THE OPPORTUNITY FOR AN EXISTING
25 VENDOR WHO HAS A CONTRACT WITH US TO CHANGE OVER TO THE LIVING

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1 WAGE LAW, THE MAJORITY OF THEM HAVE EITHER CHOSEN TO DO SO OR
2 HAS USED THE C.P.I. AS A WAY OF ASSURING THAT THE FUNDS ARE
3 THE SAME, OR THE COSTS OR PAYMENTS ARE THE SAME. SO I THINK
4 IT'S BEEN PRODUCTIVE. I THINK IT'S BEEN SUCCESSFUL. I THINK
5 THE RANDOM AUDIT IS DOING WHAT IT'S SUPPOSED TO DO TO KIND OF
6 VET OUT THOSE THAT PROBABLY ARE IN THE PROCESS THAT CAN'T DO
7 THIS. THE ONLY DOWNFALL IS THAT A LOT OF PEOPLE WHO ARE IN --
8 LET ME TAKE THAT PRONOUN BACK. A LOT OF VENDORS WHO ARE IN THE
9 PROCESS OF DOING THIS OFTEN TIME NEED MORE HELP IN HOW TO RUN
10 THEIR BUSINESSES SO OFTEN THE ECONOMIC DEVELOPMENT DIVISION
11 WILL WORK WITH THEM AS WELL.

12
13 **COUNCIL PRESIDENT PEREZ:** HAVE YOU -- IN ONE EXAMPLE YOU CITED,
14 HAVE YOU DETERMINED OR DISCUSSED WHAT STEPS TO TAKE TO -- I
15 GUESS I'LL SAY PUBLICIZE WHAT YOU HAD DONE? BECAUSE, I MEAN I
16 WAS A PROSECUTOR FOR TEN YEARS AND PART OF THE REASONS YOU
17 PROSECUTE CASES AND PART OF THE REASONS YOU INFORM THE PUBLIC
18 WHEN YOU CONCLUDE A PROSECUTION IS TO DETER OTHER PEOPLE FROM
19 DOING THE SAME THING THAT I JUST PROSECUTED SOMEONE FOR. AND
20 I'M WONDERING IF YOU'VE GIVEN THOUGHT TO HOW TO MAKE SURE
21 PEOPLE KNOW THAT THIS IS A LAW ON THE BOOKS AND WE ACTUALLY
22 ARE -- THERE ARE SOME COPS OUT THERE TAKING A LOOK AT THIS LAW.

23
24 **DR. TIGNOR:** WELL, WE HAVE NOT DONE SO MAINLY BECAUSE IT'S
25 STILL IN THE PROCESS, IN THE AUDIT DIVISION, IN THE INTERNAL

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1 AUDIT DIVISION AND WE HAVE NOT FINISHED -- THE INTERNAL
2 AUDITORS HAVE NOT FINISHED GIVING THE OPPORTUNITY TO VENDORS
3 TO COMPLY.

4

5 **COUNCIL PRESIDENT PEREZ:** RIGHT.

6

7 **DR. TIGNOR:** SO ONCE THAT IS DONE, CERTAINLY I'LL TAKE YOUR
8 ADVICE AND WE'LL MOVE FORWARD WHEN THAT OCCURS, PARTICULARLY
9 ON THE INTERNET SO THAT WE CAN ADD THAT.

10

11 **COUNCILMEMBER PRAISNER:** THAT'S A GOOD POINT. AN INTERNET PAGE
12 MIGHT HAVE --

13

14 **DR. TIGNOR:** ON COMPLIANCE.

15

16 **COUNCILMEMBER PRAISNER:** A HEADLINE OR SECTION ON COMPLIANCE
17 AND/OR ADD TO THE LIVING WAGE SECTION. THAT'S A GOOD IDEA.

18

19 **DR. TIGNOR:** AND WE DO PROVIDE THE COUNCIL AT THE END OF EACH
20 YEAR ALL THE -- THE NUMBER OF VENDORS THAT ARE INVOLVED IN THE
21 LIVING WAGE PROCESS.

22

23 **COUNCIL PRESIDENT PEREZ:** GREAT.

24

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1 **DR. TIGNOR:** I THINK THAT'S -- FOR ONE YEAR I THINK, YOU KNOW,
2 WE'VE HAD SUCCESS.

3

4 **COUNCIL PRESIDENT PEREZ:** RIGHT. OKAY, WELL, THANK YOU. THAT
5 WAS VERY INFORMATIVE. MR. ANDREWS HAD A QUESTION.

6

7 **COUNCILMEMBER ANDREWS:** THANKS. I WAS GLAD THE COUNCIL
8 PRESIDENT ASKED THAT QUESTION BECAUSE I THINK IT IS IMPORTANT.
9 THE RANDOM AUDIT WAS AN IMPORTANT PART OF THE LAW AND, YOU
10 KNOW, IT'S IMPORTANT THAT THE FOLKS WHO ARE PART OF THE
11 PROCESS KNOW THAT THAT'S THERE. THE LAW TOOK EFFECT JULY 1,
12 2003 SO IT IS JUST UNDER TWO YEARS OLD NOW. AND WE'RE PICKING
13 UP CONTRACTS, AS YOU KNOW, AS THEY EXPIRE, THAT WERE SIGNED
14 PRIOR TO THE EFFECTIVE DATE. HOW ARE WE -- WHAT PERCENT NOW
15 ARE WE ALONG, WOULD YOU SAY, IN TERMS OF THE NUMBER OF
16 CONTRACTS AND THE PERCENT THAT ARE NOW COVERED THAT ARE
17 APPLICABLE?

18

19 **DR. TIGNOR:** WELL, I CAN'T GIVE YOU THE EXACT NUMBER TODAY BUT
20 I CAN MAKE SURE THAT YOU GET THAT. BUT I WILL ASSURE YOU -- I
21 CAN ASSURE YOU THAT THE LAW HAS BEEN 100% FULLY IMPLEMENTED
22 BUT IN TERMS OF A NUMBER, I WOULD HAVE TO GET BACK TO YOU ON
23 THAT.

24

25 **COUNCILMEMBER ANDREWS:** THE C.P.I. KICKS IN JULY 1, RIGHT?

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1

2 **DR. TIGNOR:** C.P.I. KICKS IN, IT'S 11.75.

3

4 **COUNCILMEMBER ANDREWS:** NO. IT'S 10.75 NOW. IT GOES TO 11.15.

5

6 **DR. TIGNOR:** 11.15. WE STARTED OUT WITH 10.50?

7

8 **COUNCILMEMBER ANDREWS:** 10.50. IT STARTED AT 10.50

9

10 **DR. TIGNOR:** 10.75 AND NOW WE GO TO 11.15.

11

12 **COUNCILMEMBER ANDREWS:** OKAY.

13

14 **DR. TIGNOR:** SO THAT WAS DONE. WE DO IT EVERY MARCH BASED ON
15 THE PREVIOUS QUARTER'S C.P.I.

16

17 **COUNCILMEMBER ANDREWS:** OKAY. GOOD. THANKS

18

19 **DR. TIGNOR:** I'LL GET BACK TO YOU WITH THE NUMBER.

20

21 **COUNCILMEMBER ANDREWS:** RIGHT. THANK YOU.

22

23 **COUNCIL PRESIDENT PEREZ:** THANK YOU FOR YOUR TIME. JUST FOR THE
24 BENEFIT OF OTHERS -- I AM RELUCTANT. WE'RE GOING TO DO ITEMS 7
25 AND 8 AND THEN WE WILL BREAK TILL 1:30 AND WE'LL DO -- THE

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1 ENTIRE AFTERNOON WILL BE THE TRANSPORTATION BUDGET. AFTER THE
2 PUBLIC HEARINGS. I DON'T KNOW HOW MANY SPEAKERS WE HAVE. I'M
3 NOT -- WE'LL FIND THAT OUT BUT I DON'T BELIEVE -- WELL,
4 ACTUALLY I TAKE THAT BACK. IF THERE'S A -- OH, GOOD, NO. WE'RE
5 NOT DOING THE WOODMONT TRIANGLE THIS AFTERNOON, BECAUSE THAT
6 WOULD HAVE BEEN A PUBLIC HEARING THAT WOULD HAVE HAD A FEW
7 PEOPLE. SO ANY WAY --

8

9 **COUNCILMEMBER DENIS:** I MOVE MY AMENDMENT NOW.

10

11 **COUNCIL PRESIDENT PEREZ:** YEAH. [LAUGHTER]

12

13 **COUNCIL PRESIDENT PEREZ:** WITHOUT OBJECTION MR. DENIS'
14 AMENDMENT IS ADOPTED... [LAUGHTER]

15

16 **COUNCILMEMBER PRAISNER:** NICE TRY, HOWARD. THE NEXT BUDGET IN
17 FRONT OF US IS THE MERIT SYSTEM PROTECTION BOARD. WELCOME. HOW
18 ARE YOU?

19

20 **SPEAKER:** FINE, THANK YOU.

21

22 **COUNCILMEMBER PRAISNER:** THE MERIT SYSTEM PROTECTION BOARD --

23

24 **COUNCILMEMBER DENIS:** HAVE I BEEN FIRED? NO, DON'T --

25

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1 **COUNCILMEMBER PRAISNER:** OH, I'M SORRY, HOWIE. HOWIE TAKES CARE
2 OF THAT. I WAS GOING TO SAY THAT. IT SAYS LET HOWIE DENIS LEAD
3 ON MY NOTES. I TURN IT OVER.

4

5 **COUNCILMEMBER DENIS:** THANK YOU, MADAM CHAIRMAN AND MY
6 COLLEAGUE, MR. ANDREWS, ON THE MANAGEMENT AND FISCAL POLICY
7 COMMITTEE, PRESIDENT PEREZ AND I WANT TO WELCOME KATHLEEN
8 TAYLOR, OUR NEW EXECUTIVE SECRETARY OF THE MERIT SYSTEM
9 PROTECTION BOARD, OUR PREVIOUS EXECUTIVE SECRETARY, DELL
10 LONGUS IS NOW IN HAPPY RETIREMENT, I UNDERSTAND. AND HE AND
11 THE BOARD WERE VERY HELPFUL TO US WHEN WE WENT THROUGH
12 PERSONNEL REGULATIONS A NUMBER OF YEARS AGO AND WE APPRECIATE
13 IT. JUST AS -- WELL, I JUST WANT TO POINT OUT THAT THE
14 MANAGEMENT AND FISCAL POLICY COMMITTEE IS IN COMPLETE
15 AGREEMENT, UNANIMOUS AGREEMENT WITH THE COUNTY EXECUTIVE'S
16 RECOMMENDATION BEFORE US. AND THIS IS A VERY SMALL BUDGET. THE
17 INCREASE IS A HIGH PERCENTAGE. ALSO WANT TO THANK ESSIE
18 MCGUIRE, OUR ANALYST. THE INCREASE IS 11.3% BUT THE BUDGET IS
19 ONLY RECOMMENDED \$137,250 SO THAT 11.3% INCREASE TRANSLATES
20 INTO ONLY \$13,920. AND THE COMMITTEE AGREED WITH THE EXECUTIVE
21 NOT TO TAKE ANY REDUCTIONS. THE BOARD IS AN EXAMPLE OF DOING A
22 LOT WITH A LITTLE IN TERMS OF THE MONEY THAT'S AVAILABLE. THE
23 BOARD DEALS WITH ISSUES INVOLVING DISCIPLINE, DISMISSAL,
24 PROMOTIONAL PROCESS, REDUCTION IN FORCE, SUSPENSION AND
25 TIMELINESS. SO THAT'S QUITE A LOT YOU HAVE ON YOUR PLATE. AND

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1 I THINK THAT WE'RE ALL VERY PLEASED WITH HOW THE BOARD IS
2 FUNCTIONING SO THAT'S THE COMMITTEE'S RECOMMENDATION.

3

4 **COUNCIL PRESIDENT PEREZ:** DID YOU HAVE ANYTHING YOU WANT TO
5 SAY?

6

7 **MS. TAYLOR:** THE BOARD WOULD JUST LIKE TO THANK THE COUNCIL FOR
8 ALL ITS SUPPORT.

9

10 **COUNCIL PRESIDENT PEREZ:** THANK YOU. THANK YOU FOR YOUR HARD
11 WORK. THANK YOU FOR THAT PRESENTATION. OKAY. WITHOUT OBJECTION.

12

13 **COUNCILMEMBER PRAISNER:** LAST ITEM ON THE AGENDA THIS MORNING
14 IS SOME OF THE NON- DEPARTMENTAL ACCOUNTS THAT THE M.F.P.
15 COMMITTEE HANDLES FOR COUNCIL. THEY RELATE TO BOARDS,
16 COMMITTEES AND COMMISSIONS, PUBLIC TECHNOLOGY, INC., COUNCIL
17 OF GOVERNMENTS AND THE COUNTY ASSOCIATIONS, THE LAST TWO BEING,
18 WELL, THE LAST THREE BEING DUES PAYMENTS, MOST OF WHICH ARE
19 ASSOCIATED WITH AN INCREASE TO THE EXTENT THOSE ASSOCIATION
20 BUDGETS INCREASE AND ARE USUALLY A FUNCTION OF EITHER A BASE
21 AMOUNT PLUS A PERCENTAGE RELATED TO POPULATION. AND AS
22 MONTGOMERY COUNTY'S POPULATION INCREASES OUR SHARE OR
23 CONTRIBUTION TO THESE ASSOCIATIONS TO WHICH WE BELONG
24 INCREASES AS WELL. THE FIRST N.D.A., THOUGH, DEALS WITH BOARDS,
25 COMMITTEES AND COMMISSIONS. THIS IS THE CATEGORY WHERE THE

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1 SUPPORT FOR BOARDS, COMMITTEES AND COMMISSIONS, REIMBURSEMENT
2 SUPPORT, ESPECIALLY OCCURS. AND IT RELATES TO THE EXPENSES FOR
3 ANY NEW BOARDS AND ALSO THE EXPENSE -- GENERAL EXPENSES
4 ASSOCIATED WITH BOARDS SPECIFICALLY IN THE AREA OF
5 REIMBURSEMENT FOR DEPENDENT CARE AND MILEAGE. AND WHAT YOU'RE
6 DOING IS BASING AN ESTIMATE BASED ON THE PREVIOUS ACTIVITY. AT
7 THIS CURRENT RATE THIS YEAR SO FAR AS OF WHEN THE PACKET WAS
8 DEVELOPED WE HAD OVER \$2,000 EXPENDED IN REIMBURSEMENT COSTS.
9 OBVIOUSLY THAT WAS NOT A FULL YEAR. WE HAVE ALSO, UNDER THE
10 C.E.R.B. COMMITTEE THAT EVALUATES AND REVIEWS THE BOARDS AND
11 COMMITTEES WE HAVE IN THE COUNTY, THEY HAVE RECOMMENDED AN
12 INCREASE IN THE REIMBURSEMENT RATE FOR DEPENDENT CARE AND
13 MILEAGE. THE CURRENT RATE FOR DEPENDENT CARE IS \$12. IT WOULD
14 INCREASE TO \$30, GIVEN THE REALITY OF BABYSITTING COSTS OR
15 OTHER DEPENDENT CARE COSTS IN ORDER TO PERMIT OUR COMMUNITY
16 MEMBERS TO PARTICIPATE IN BOARDS AND COMMITTEES OF THEIR
17 INTEREST AND OUR DESIRE. IT MAKES SENSE TO PROVIDE OR EXPAND
18 THAT OPPORTUNITY BY ALLOWING A REIMBURSEMENT FOR WHAT COSTS
19 WOULD BE FOR THAT TIME PERIOD. THE CURRENT RATE FOR
20 TRANSPORTATION IS \$5. THAT WOULD ALSO INCREASE TO \$10. GIVEN
21 GASOLINE AND DISTANCE, THAT MAKES SENSE AS WELL. THE INCREASED
22 RATES, AS THE C.E.R.B. BOARD TELLS US, MAY FACILITATE GREATER
23 BOARD PARTICIPATION BY INDIVIDUALS WITH VARYING INCOMES AND
24 THAT'S SOMETHING THAT'S BEEN A PRIORITY FOR ALL OF US FOR SOME
25 TIME. IN ADDITION, WE ARE EXPANDING THE TRAINING OPTIONS

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1 AVAILABLE OR TRAINING REQUIREMENTS ASSOCIATED WITH MEMBERS OF
2 BOARDS AND COMMITTEES, BOTH FROM A BROAD PERSPECTIVE OF WHAT
3 THE RESPONSIBILITIES OR PARAMETERS OF BOARD SERVICE ARE SO
4 THAT FOLKS HAVE A BETTER UNDERSTANDING OF THAT. SO THAT IS WHY
5 THE BUDGET, AS PROPOSED BY THE EXECUTIVE AND SUPPORTED BY THE
6 COMMITTEE, FOR THIS ITEM, IS \$15,000 RATHER THAN THE CURRENT
7 BUDGET OF \$5,000. OBVIOUSLY, IF THE MONEY ISN'T REQUESTED IT
8 WON'T BE SPENT SO THIS IS AN ABILITY AUTHORIZATION TO SPEND
9 WITHIN THAT LIMIT. IT'S NOT A SALARY FOR ANYBODY. AND TO THE
10 EXTENT FOLKS REQUEST REIMBURSEMENT AND IT'S REIMBURSEMENT THEY
11 ARE REQUESTING, THAT WILL BE PAID OUT. IF BY SOME REASON WE
12 REQUIRE MORE MONEY, THAT WOULD BE EVEN MORE WONDERFUL BECAUSE
13 IT MEANS FOLKS ARE PARTICIPATING AND THESE ISSUES OF MILEAGE
14 COSTS OR DEPENDENT CARE COSTS ARE NOT INHIBITING FOLKS FROM
15 PARTICIPATION. AND WE CAN CERTAINLY CAN FIND A WAY TO COVER
16 ANYTHING ABOVE THE \$15,000. I WOULD LIKE TO REPORT AT THIS
17 POINT THAT THE COUNCIL COMMITTEE IS WORKING THROUGH THE
18 RECOMMENDATIONS OF THE C.E.R.B. BOARD. WE'VE HAD TWO MEETINGS
19 ON THOSE RECOMMENDATIONS, AS YOU KNOW, COUNCIL MEMBERS KNOW. I
20 INTRODUCED FOR -- IN ORDER TO FACILITATE THE DISCUSSION,
21 LEGISLATION TO IMPLEMENT THE BOARD'S RECOMMENDATIONS. AND WE
22 ARE NOW WORKING THROUGH THOSE. ALSO DISCUSSING WITH DEBBIE
23 GOODWIN FROM THE COUNTY EXECUTIVE'S OFFICE WHO HAS, IN ESSENCE,
24 BROAD RESPONSIBILITY IN THIS AREA FOR MANAGING IT AT THE
25 COUNTY EXECUTIVE LEVEL, OTHER ISSUES THAT HAVE COME UP, NOT

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1 JUST THE RECOMMENDATIONS OF THE C.E.R.B. BOARD AS IT RELATES
2 TO COMMISSIONS AND COMMITTEES. FOR EXAMPLE, THE LAST ITEM WE
3 STARTED TO TALK ABOUT AT OUR LAST MEETING WAS THE ISSUE MR.
4 LEVENTHAL RAISED ABOUT THE NUMBER OF BOARDS AND COMMITTEES
5 THAT REQUIRE COUNTY COUNCIL MEMBERSHIP OR COUNTY COUNCIL
6 REPRESENTATION. AND COUNCIL MEMBER WILL BE RECEIVING A MEMO
7 FROM THE COMMITTEE SOLICITING YOUR THOUGHTS ABOUT THE --
8 WHETHER THOSE REQUIREMENTS SHOULD CONTINUE IN THE FUTURE AND
9 WE WILL, TO THE EXTENT THAT'S NECESSARY OR CHANGES ARE MADE,
10 REFLECT THOSE WITHIN THIS UMBRELLA LEGISLATION TO THE EXTENT
11 IT'S LEGISLATION. WHAT WE FOUND IS THAT A LOT OF THESE ISSUES
12 HAVE EVOLVED THROUGH RESOLUTION RATHER THAN LEGISLATION, WHICH
13 MEANS WE WOULD REQUIRE A RESOLUTION TO MODIFY THAT AS WELL.
14 THE NEXT CATEGORY IN THESE N.D.A.S IS FOR THE DUES. C.O.G.,
15 THE COUNCIL OF GOVERNMENTS, THE WASHINGTON METROPOLITAN AREA
16 ASSOCIATION OF THE COUNTY GOVERNMENTS IN THE METROPOLITAN AREA,
17 DUES FOR THE MARYLAND ASSOCIATION OF COUNTIES, DUES FOR THE
18 NATIONAL ASSOCIATION OF COUNTIES, AND DUES FOR PUBLIC
19 TECHNOLOGY, INC. AS I SAID, EACH OF THE ASSOCIATIONS HAS A
20 FORMULA FOR DETERMINING THE MEMBERSHIP DUES AND THERE'S NO
21 PROVISION FOR PARTIAL MEMBERSHIP. THE IMPLICATIONS OF NOT
22 PARTICIPATING IN M.A.C.O. WOULD BE SIGNIFICANT TO HAVE A
23 COUNTY DROP OUT. I THINK IT COULD CAUSE SIGNIFICANT PROBLEMS
24 IN ANNAPOLIS AND BEYOND. BY VIRTUE OF HAVING ALL COUNTIES IN
25 THE STATE OF MARYLAND MEMBERS NATIONAL ASSOCIATION OF COUNTIES,

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1 THE STATE OF MARYLAND HAS ONE ADDITIONAL MEMBER ON THE BOARD
2 OF DIRECTORS, WHICH FOR A SMALL STATE -- BOARD OF DIRECTORS OF
3 NATIONAL ASSOCIATION OF COUNTIES -- WHICH FOR A SMALL STATE
4 MEANS WE HAVE A BETTER PLACE OR AN INCREASED PLACE AT A TABLE
5 WITH THOSE HUNDRED-PLUS MEMBERS ON THE BOARD. MARYLAND HAVING
6 TWO VOTES HELPS SIGNIFICANTLY, I CAN ASSURE YOU, HAVING SAT
7 THERE AND PARTICIPATED. IT GIVES US VISIBILITY. IT GIVES US
8 LEVERAGE. IT GIVES US ACCESS. IT GIVES US SIGNIFICANT
9 INFORMATION FROM THOSE INTERACTIONS WITH OTHER JURISDICTIONS.
10 AND AS YOU ALL KNOW, THANKS TO WORK OF STAFF AND OUR COUNCIL
11 PRESIDENT, WE ARE PARTICIPATING IN A PRESCRIPTION DRUG CARD
12 PROGRAM WITH NATIONAL ASSOCIATION OF COUNTIES THAT HAS BEEN
13 EXTREMELY SUCCESSFUL. M.A.C.O. CALLS IT A PILOT PROGRAM
14 BECAUSE THEY LIKE TO EVALUATE NEW THINGS THEY WILL BE DOING
15 FOR MEMBERS. BUT I ANTICIPATE THAT IN TWO WEEKS WHEN THE
16 NATIONAL ASSOCIATION OF COUNTIES BOARD MEETS, THEY WILL DROP
17 THE PILOT AND MAKE THIS A FORMAL PROGRAM FOR ALL MEMBER
18 ORGANIZATIONS. JUST LAST WEEK I HANDLED TWO PHONE CALLS FROM
19 COUNTIES WHO ARE MEMBERS OF N.A.C.O. THAT ARE INTERESTED IN
20 STARTING -- PARTICIPATING IN THIS PROGRAM AND THEY WERE DOING
21 DUE DILIGENCE OF CALLING FOLKS WHO WERE PARTICIPATING. SO, THE
22 DUES FOR COUNCIL OF GOVERNMENTS NEXT YEAR WILL BE \$697,080.
23 THE DUES FOR P.T.I., WHICH IS A NONPROFIT TECHNOLOGY, RESEARCH
24 AND DEVELOPMENT ORGANIZATION CREATED BY THE NATIONAL
25 ORGANIZATIONS AND COUNTY MEMBERSHIP -- INDIVIDUAL COUNTIES.

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1 MONTGOMERY COUNTY WAS, I BELIEVE, ONE OF THE FOUNDING MEMBERS.
2 THE DUES FOR THAT IS \$27,500. THE DUES FOR M.A.C.O. IS \$45,941.
3 DUES FOR N.A.C.O. IS \$16,182. AND COMMITTEE RECOMMENDS
4 APPROVAL.

5

6 **COUNCIL PRESIDENT PEREZ:** WITHOUT OBJECTION. IT WILL BE
7 APPROVED. THAT IS THE LAST ITEM, ALTHOUGH I WANTED TO ADD
8 ANOTHER ITEM. I HAVE BEEN THINKING LONG AND HARD ABOUT A
9 PROPOSAL. AND I'M GOING TO MOVE AT THIS TIME TO CHANGE THE
10 RULES OF THE COUNCIL TO REQUIRE, TO CONSOLIDATE THE AUTHORITY
11 OF DISTRICT COUNCIL MEMBERS -- [LAUGHTER]

12

13 **COUNCIL PRESIDENT PEREZ:** SO THAT NO LEGISLATION CAN PASS
14 WITHOUT A SUPER-MAJORITY OF DISTRICT COUNCIL MEMBERS. ALL
15 THOSE IN FAVOR -- IT'S UNANIMOUS! OKAY.

16

17 **COUNCILMEMBER LEVENTHAL:** YOU CAN PUT THE STAFF RAISES IN NOW,
18 TOO.

19

20 **COUNCIL PRESIDENT PEREZ:** I WAS OUT IN THE HALL, CONSULTING
21 WITH AL HAIG, CHAIN OF COMMAND ISSUES -- [OVERLAPPING
22 VOICES]

23

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1 **COUNCILMEMBER PRAISNER:** I THINK THAT IS A GOOD IDEA. I THINK
2 DISTRICT COUNCIL MEMBERS SHOULD HAVE MORE STAFF THAN OTHER
3 COUNCILMEMBERS.

4

5 **COUNCIL PRESIDENT PEREZ:** WELL...

6 [HEARING IN RECESS]

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Afternoon Session

1
2
3 **COUNCIL PRESIDENT PEREZ:** OKAY, LET'S GET GOING HERE. AGENDA
4 ITEM NUMBER 13. THIS IS A PUBLIC HEARING ON THE WOODMONT
5 TRIANGLE AMENDMENT TO THE BETHESDA CENTRAL BUSINESS DISTRICT
6 SECTOR PLAN. WE HAVE TWO WITNESSES TODAY. AND WE WILL BE
7 CONTINUING THE REMAINDER OF THE HEARING UNTIL JULY 12TH, 2005
8 AT 7:30 P.M., WHERE WE WILL HEAR FROM THE REMAINDER OF THE
9 SPEAKERS. WE HAVE LISA ROTHER FROM THE COUNTY EXECUTIVE'S
10 OFFICE AND REPRESENTATIVES FROM THE PLANNING BOARD. LISA?

11
12 **MS. ROTHER:** OKAY. THANK YOU VERY MUCH. YES, FOR THE RECORD,
13 LISA ROTHER FROM THE OFFICE OF THE COUNTY EXECUTIVE. AND I
14 WILL KEEP THESE REMARKS VERY BRIEF TODAY BECAUSE THIS IS JUST
15 TO GET THE TESTIMONY UNDERWAY AND WE'LL BE SUBMITTING WRITTEN
16 COMMENTS PRIOR TO THE JULY 12TH CONTINUATION OF THE HEARING.
17 AS YOU KNOW, THE COUNTY HAS MADE SIGNIFICANT CONTRIBUTIONS TO
18 THE REVITALIZATION OF THIS PART OF THE BETHESDA C.B.D.,
19 INCLUDING OUR PARTICIPATION IN DEVELOPMENT OF NEW HOUSING AND
20 PUBLIC PARKING AND THE PERFORMING ARTS AT THE OLD BETHESDA
21 THEATER SITE AND THE REDEVELOPMENT OF FORMER LOT 36 WITH
22 IMAGINATION STAGE. WE SUPPORT THE AMENDMENT'S GENERAL PREMISE
23 OF INCREASING OPPORTUNITIES FOR HOUSING TO SERVE A VARIETY OF
24 INCOME LEVELS IN WOODMONT TRIANGLE AND THE GOAL OF ENCOURAGING
25 OPTIONAL METHOD HOUSING PROJECTS THERE AS WELL. WE WILL

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1 ELABORATE IN OUR TESTIMONY FOR JULY 12TH ON SEVERAL ISSUES,
2 INCLUDING OUR CONCERN THAT THE AMENDMENT DOES NOT EXAMINE THE
3 EFFECTS OF THE PROPOSED CHANGES ON THE LARGER BETHESDA C.B.D.
4 AREA, PARTICULARLY IN TERMS OF HOW INCREASING ANY DENSITY WILL
5 AFFECT THE TRANSPORTATION SYSTEM WITHIN THE C.B.D. WE WILL
6 SUPPORT A MINIMUM LOT SIZE. IT IS SMALLER FOR THE OPTIONAL
7 METHOD OF DEVELOPMENT, ALSO THE POOLING OF REQUIRED PUBLIC USE
8 SPACES AND THE TRANSFER OF DENSITY. WE ALSO ARE CONCERNED THAT
9 THERE WILL BE NEED TO AMEND THE ZONING ORDINANCE TO IMPLEMENT
10 THE PLAN'S RECOMMENDATION FOR LIVE/WORK SPACE, IF IT INDEED IS
11 INCLUDED IN THE PLAN. AND ALSO CONCERN THAT THE REQUIREMENT
12 FOR THE PRIVATE SECTOR TO UNDERGROUND UTILITIES WILL BE IN
13 CONFLICT WITH INTENT OF PROVIDING AFFORDABLE HOUSING. THANK
14 YOU. THAT IS ALL I'M GOING TO SAY TODAY AND APPRECIATE THE
15 OPPORTUNITY.

16
17 **COUNCIL PRESIDENT PEREZ:** THANK YOU. I JUST WANT TO REMIND
18 PEOPLE, THAT BACK TABLE IS RESERVED FOR MEMBERS OF THE MEDIA.
19 IF YOU ARE NOT A MEMBER OF THE MEDIA I'D ASK IF YOU COULD SIT
20 OR STAND SOMEWHERE ELSE. I APPRECIATE IT. THANK YOU.

21
22 **COUNCILMEMBER DENIS:** THAT WOULD BOOT KAREN OUT OF HER SEAT.

23
24 **COUNCIL PRESIDENT PEREZ:** THAT IS CORRECT. THAT IS CORRECT. I
25 APOLOGIZE. OKAY. PLANNING BOARD.

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1

2 **MR. CARTER:** YES. JOHN CARTER WITH THE PLANNING DEPARTMENT.
3 WITH ME IS MARILYN CLEMENS, DAN HARDY IS HIDING BEHIND US. AND
4 ALSO WITH US IS OUR CHINESE DELEGATION, YANG WE, WHO IS HERE
5 TO OBSERVE OUR DEMOCRACY IN ACTION.

6

7 **COUNCIL PRESIDENT PEREZ:** PLEASURE TO MEET YOU, GOOD AFTERNOON.

8

9 **COUNCILMEMBER SILVERMAN:** THIS IS THE BEST YOU COULD DO?

10 [LAUGHTER]

11

12 **MR. CARTER:** SHORT NOTICE.

13

14 **COUNCIL PRESIDENT PEREZ:** THAT'S RIGHT. THAT'S RIGHT.

15

16 **MR. CARTER:** SO, THE COUNCIL ASKED US TO TAKE A LOOK AT THE
17 WOODMONT TRIANGLE, SPECIFICALLY TO TRY TO MAKE SURE THE MASTER
18 PLAN CAN BE IMPLEMENTED, PARTICULARLY A LOOK AT THE HOUSING
19 OPPORTUNITIES WHICH WAS THE VISION OF THE PLAN AND THE SMALL-
20 SCALE RETAIL. AND THIS IS WHAT WE HAVE BROUGHT FORWARD TO YOU.
21 SPECIFICALLY THE HOUSING, ONE OF THE FIRST, I THINK WE'RE
22 BRINGING A TERRIFIC RANGE OF HOUSING TYPES, FROM TOWNHOUSES TO
23 LOW-RISE GARDEN APARTMENTS, BOTH EXISTING AND NEW AND HIGH-
24 RISE RESIDENTIAL AS WELL. ANOTHER ASPECT OF THIS WAS TO DO
25 THINGS THAT WOULD PERHAPS AVOID THE M.P.D.U. BUYOUT PROVISIONS.

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1 SO, WE THINK WE'VE AT LEAST ATTEMPTED TO DO THAT, PROVIDE
2 ENOUGH INCENTIVE SO THAT WILL NOT BE NECESSARY. WE HAVE
3 T.D.R.S IN THIS PLAN AND WE HAD THEM BEFORE. WE'RE EXPANDING
4 IT SLIGHTLY IN THIS PLAN. WE ALSO HAVE, ADDRESSING THE RETAIL
5 CONCERN, THERE WERE SOME CONCERNS THAT RETAIL WASN'T GETTING
6 ITS DUE; THAT THE RETAIL PERHAPS NOT FAILING, PERHAPS, IS A
7 BIG WORD FOR BETHESDA BUT COULD BE A LITTLE BIT BETTER. THERE
8 ARE SOME VACANT STORES SO WE'VE ATTEMPTED TO ADDRESS THE
9 RETAIL A LITTLE BIT. AMENITIES AND FACILITIES. I KNOW YOU'VE
10 HAD DISCUSSIONS WITH US ABOUT AMENITIES AND FACILITIES AND
11 CONTINUE TO PRESS TO DO A BETTER JOB OR EXPAND OUR NOTIONS.
12 THIS IS THE FIRST MASTER PLAN THAT WILL HAVE A LIST OF AMENITY
13 FACILITIES. AT LEAST WAS ATTEMPTED TO GROW OUT OF OUR
14 COMMUNITY MEETINGS THAT WE HAD. SO THERE'S A LIST IN THERE, A
15 LIST OF PRIORITIES. AND THOSE ARE BASICALLY COMMUNITY
16 ASPIRATIONS. AND THEN FINALLY WE HAVE IMPLEMENTATION. PART OF
17 OUR M.P.D.U. RECOMMENDATIONS THAT CAME TO YOU CAME OUT OF THE
18 MASTER PLAN OR OUR SECTOR PLAN WORK ON THIS. I THINK WHAT'S
19 IMPORTANT IS THIS IS THE FIRST MASTER PLAN THAT WILL TAKE INTO
20 ACCOUNT THE NEW M.P.D.U. LEGISLATION. IN OTHER WORDS, HOW DO
21 WE HANDLE HEIGHT -- NOW THAT THERE IS ADDITIONAL HEIGHT
22 PROVIDED FOR, HOW ARE WE GOING TO HANDLE THAT? WE HOPE TO HAVE
23 3D IMAGES AND YOU SEE A LITTLE BIT OF THAT ON THE WALL TO THE
24 LEFT. IT'S 3D IMAGES OF PRECISELY WHAT IT WILL LOOK LIKE AND -
25 -

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1

2 **SPEAKER:** FINALLY!

3

4 **MR. CARTER:** FINALLY. THAT'S RIGHT. I LISTEN. I LISTEN

5

6 **SPEAKER:** MORE MONEY FOR G.I.S., WHATEVER IT IS.

7

8 **MR. CARTER:** NO. IT'S \$495, SO IF WE COULD -- A BARGAIN AT THAT.

9 ACTUALLY, IT'S THE STAFF TIME THAT'S THE CRITICAL PART, NOT

10 THE COMPUTER HARDWARE AND SOFTWARE. IN FRONT OF YOU, YOU HAVE

11 3D. THE COLOR DRAWINGS THERE, THE COLORED BUILDINGS, THAT IS

12 THE WOODMONT TRIANGLE AREA. SO WE'RE ATTEMPTING TO SHOW YOU

13 HOW IT WOULD FIT IN BOTH WITH THE NEIGHBORING COMMUNITIES AND

14 ALSO WITH THE CORE. THE SECOND DRAWING IS -- WE TOOK ALL THE

15 TESTIMONY AND PUT IT ON THE MAP AND THEN DOUBLED IT SO YOU GET

16 AN IDEA OF HOW MUCH DEVELOPMENT COULD OCCUR. THERE'S A

17 PERSPECTIVE THERE SHOWING THE EXISTING AND THE FUTURE. THE BIG

18 BUILDING IS NOT THE FUTURE, THAT'S EXISTING. THAT'S THE

19 PALISADES BUILDING THAT WE'VE TALKED ABOUT HERE. AND NEXT TO

20 THAT IS ONE OF THE KEY POINTS OF THIS, IS NORFOLK AVENUE,

21 MAKING THAT A TERRIFIC SPINE IN THE CENTRAL BUSINESS DISTRICT.

22

23 **COUNCIL PRESIDENT PEREZ:** OKAY, THAT BUZZER WAS YOUR BUZZER,

24 ABOUT A MINUTE AND HALF AGO.

25

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1 **MR. CARTER:** OKAY. LOT SIZE AND DENSITY AND TRANSFER WILL ALSO
2 BE COMING FOR YOU AND WE'RE GOING TO THE BOARD TOMORROW. WE
3 WILL BE READY BEFORE THE P.H.E.D. COMMITTEE.

4

5 **COUNCIL PRESIDENT PEREZ:** OKAY. THANK YOU VERY MUCH. THERE ARE
6 NO QUESTIONS -- OH, MR. DENIS. I'M SORRY.

7

8 **COUNCILMEMBER DENIS:** YES, THANK YOU, MR. PRESIDENT. I JUST
9 WANT TO THANK THE WITNESSES FOR THE PRESENTATION AND TO
10 WELCOME AGAIN MR. YANG WE AND ALSO MENTION THAT WE HAVE A
11 PUBLIC MEETING THURSDAY NIGHT IN BETHESDA DEALING WITH LOT 31
12 AND THE REGIONAL SERVICES CENTER BUILDING AND IF THE GENTLEMAN
13 IS GOING TO BE PRESENT, PERHAPS THAT WOULD BE ANOTHER
14 OPPORTUNITY TO SEE A SOMEWHAT DIFFERENT ASPECT OF PLANNING IN
15 THE SAME GENERAL AREA THAT'S OF GREAT IMPORTANCE TO THE
16 COMMUNITY, WHERE WE'LL HAVE SOME PRESENTATIONS BEING MADE AND
17 SOME QUESTIONS AND HOPEFULLY SOME ANSWERS DELIVERED FROM
18 PEOPLE TO THOSE WHO WILL BE THE PRESENTERS. THIS IS AN
19 EXTREMELY IMPORTANT MATTER TO NOT ONLY TO THE BETHESDA
20 COMMUNITY BUT TO MONTGOMERY COUNTY AND TO THE REGION. AND I
21 WANT TO COMMEND THE PLANNING BOARD FOR WORKING SO DILIGENTLY
22 AND PATIENTLY WITH THE DIFFERENT STAKEHOLDERS TO GET US TO
23 THIS POINT. AND I APPRECIATE THE WORK PRODUCT THAT WE'VE
24 RECEIVED AND LOOK FORWARD TO THE MORE EXTENSIVE TESTIMONY THAT
25 WE'LL HAVE ON THE CONTINUATION DATE. AND I'M SURE YOU'RE GOING

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1 TO BE PRESENT ON THAT OCCASION AS WELL TO HELP ANSWER ANY
2 QUESTIONS BUT I JUST WANT TO SAY THAT THIS IS KICKING OFF WHAT
3 I THINK IS GOING TO BE A VERY EXCITING SERIES OF PROPOSED
4 CHANGES THAT WILL AFFECT ALL OF US VERY MUCH AND LOOK FORWARD
5 TO WORKING WITH YOU AND ALL THE OTHER STAKEHOLDERS AS WE WORK
6 OUR WAY THROUGH THE PROCESS, THANK YOU.

7

8 **MR. CARTER:** THANK YOU. AND WE CONTINUE TO BE AVAILABLE FOR ANY
9 COMMUNITY MEETINGS BETWEEN NOW AND WHENEVER YOU -- WOULD
10 CONDUCT THE HEARINGS.

11

12 **COUNCIL PRESIDENT PEREZ:** GREAT. THANK YOU. AND OBVIOUSLY MANY
13 MORE CONVERSATIONS TO FOLLOW, SO THE COMMUNITY SHOULD BE AWARE
14 THIS IS THE FIRST BUT NOT THE LAST OPPORTUNITY TO BE HEARD
15 TODAY. AGENDA ITEM NUMBER 14, THIS IS A PUBLIC HEARING ON
16 ZONING TEXT AMENDMENT 05-05, WHICH WOULD AMEND THE ZONING
17 ORDINANCE TO ESTABLISH STREETScape REQUIREMENTS IN THE I-1 TO
18 IMPROVE PEDESTRIAN SAFETY AND THE VISUAL CHARACTER OF MARYLAND
19 355, THE OAKMONT INDUSTRIAL PARK AND CRABB'S BRANCH PARKWAY.
20 THE ZONING TEXT AMENDMENT WOULD IMPLEMENT RECOMMENDATIONS OF
21 THE SHADY GROVE MASTER PLAN. PERSONS WISHING TO SUBMIT
22 ADDITIONAL MATERIAL FOR THE COUNCIL'S CONSIDERATION SHOULD DO
23 SO BEFORE CLOSE OF BUSINESS MAY 24TH, 2005. THE COMMITTEE WORK
24 SESSION IS TENTATIVELY SCHEDULED FOR JUNE 13TH, 2005. YOU CAN
25 CALL 240-777-7900 TO CONFIRM THE TIME AND DATE. BEFORE

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1 BEGINNING PRESENTATION PLEASE STATE YOUR NAME AND ADDRESS
2 CLEARLY FOR THE RECORD. OUR FIRST SPEAKER, GREG RUSS. THAT IS
3 AN INCORRECT STATEMENT OF HOW MUCH TIME YOU HAVE. YOU HAVE
4 THREE MINUTES.

5

6 **MR. RUSS:** OKAY. THANK YOU, MR. PRESIDENT. FOR THE RECORD, GREG
7 RUSS FROM THE MONTGOMERY COUNTY PLANNING BOARD. THE PLANNING
8 BOARD REVIEWED ZONING ORDINANCE TEXT AMENDMENT NUMBER 05-05 AT
9 ITS REGULAR MEETING ON MAY 5TH, 2005. THE BOARD UNANIMOUSLY
10 RECOMMENDS THAT THE TEXT AMENDMENT BE APPROVED AS AMENDED WITH
11 MINOR PLAIN LANGUAGE MODIFICATIONS THAT ARE INCLUDED IN THE
12 TECHNICAL STAFF REPORT YOU HAVE BEFORE YOU. THE DRAFT OF THE
13 SHADY GROVE SECTOR PLAN RECOMMENDS IMPROVING THE VISUAL
14 CHARACTER OF MARYLAND 355, THE OAKMONT INDUSTRIAL PARK AND
15 CRABB'S BRANCH OFFICE PARK WITH STREETScape PROVISIONS THAT
16 WILL IMPROVE THE PEDESTRIAN SAFETY AND OVERALL CHARACTER OF
17 THE STREET. THE Z.T.A. WILL REQUIRE STREETScape IMPROVEMENTS
18 FOR ALL I-1 ZONED PROPERTY IN THE COUNTY IN ACCORDANCE WITH
19 COUNTY ROAD DESIGN STANDARDS AND SECTOR AND MASTER PLAN
20 GUIDANCE FOR STREET RIGHTS OF WAY. THE PLANNING BOARD BELIEVES
21 THAT THIS PROPOSAL IS AN APPROPRIATE MEASURE TO FURTHER
22 IMPROVE THE PEDESTRIAN SAFETY, ACCESS AND CONVENIENCE
23 THROUGHOUT THE COUNTY. THANK YOU, MR. PRESIDENT.

24

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1 **COUNCIL PRESIDENT PEREZ:** THANK YOU. I SEE NO QUESTIONS. NEXT
2 PANEL? THANK YOU, MR. RUSS. NEXT PANEL, SHELLY WINKLER, TOWN
3 OF WASHINGTON GROVE, LARRY GORDON, EASTERN DIVERSIFIED
4 PROPERTIES, DAN NOELL, DARCARS, PAUL GLASGOW, JUDY KOENICK AND
5 DIANA HELLER. MS. WINKLER?

6

7 **MS. WINKLER:** GOOD AFTERNOON. I'M SHELLY WINKLER AND I'M
8 SPEAKING TODAY ON BEHALF OF JOHN COMPTON, MAYOR OF THE TOWN OF
9 WASHINGTON GROVE. WE STRONGLY SUPPORT THE TEXT AMENDMENTS 05
10 AND 06 BEFORE YOU. AS THE URBANIZATION OF OUR COUNTY
11 INTENSIFIES IT'S TIME TO ENSURE THAT SITE PLAN REVIEW IS
12 REQUIRED FOR STANDARD METHOD R&D DEVELOPMENT. SITE PLAN REVIEW
13 PROVIDES A NEEDED TOOL TO ENCOURAGE ATTRACTIVE R&D ZONES,
14 WHICH WILL BRING NEW R&D DEVELOPMENT TO THE COUNTY. AND NOW
15 THAT THE COUNTY IS ACTIVELY CREATING R&D ZONES ADJACENT TO
16 INTENSE RESIDENTIAL AREAS, THE GOVERNMENT MUST ENSURE THAT THE
17 BLEND OF USES WORKS FOR THE WHOLE COMMUNITY AS EACH
18 DEVELOPMENT IS BUILT. OUR AREA CONTAINS MANY I-1 PROPERTIES
19 WHICH WERE DEVELOPED BEFORE ANY SITE PLAN REVIEW, INCLUDING
20 STREETScape REQUIREMENTS, WERE IN PLACE. MOST OF THOSE
21 PROPERTIES ARE DIFFICULT, IF NOT TREACHEROUS, TO PASS AS A
22 PEDESTRIAN. MANY HAVE NO SIDEWALKS AND PEDESTRIANS ARE FORCED
23 TO WALK ON THE STREET. OAKMONT AVENUE AND THE 355 SHADY GROVE
24 ROAD AREAS ARE CASES IN POINT. EYESORE ROADS WHERE PEDESTRIANS
25 ARE AN AFTERTHOUGHT AT BEST AND EXISTING INFRASTRUCTURE

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1 DISCOURAGES PEDESTRIAN USE. EVEN PROPERTIES WITH LIMITED
2 SIDEWALKS, SUCH AS MANY ALONG 355, HAVE SIDEWALKS ADJACENT TO
3 CURBS. IN RAINY WEATHER THE CARS GOING 50 MILES AN HOUR ARE
4 SPLASHING PEDESTRIANS AND WHEN PLOWS PILE SNOW ALONG SIDE THE
5 ROAD, THE SIDEWALKS DISAPPEAR ALTOGETHER. THIS IS AN EXCELLENT
6 OPPORTUNITY FOR THE COUNTY TO CORRECT THE LACK OF ADEQUATE
7 STREETScape PERMITTED AT A TIME WHEN THERE WAS NO EXPECTATION
8 OF PEDESTRIAN TRAFFIC AND TO IMPROVE THE STREET ENVIRONMENT AT
9 THE SAME TIME. THIS AMENDMENT ADDRESSES THIS PROBLEM IN A
10 RESTRAINED WAY, COMES INTO PLAY ONLY IF A BUSINESS IS CREATING
11 A SIZABLE ADDITION, NOT FOR RENOVATION OF THE CURRENT BUILDING
12 AREA. THIS AMENDMENT MAY WELL HELP INDUSTRIAL BUSINESSES
13 RETAIN THEIR LOCATIONS IN THEIR EXISTING COMMUNITIES. THERE
14 MIGHT BE A BETTER ATTITUDE TO INDUSTRIAL USERS AND LESS
15 PRESSURE FOR THEM TO RELOCATE IF THEY PROVIDE ADEQUATE
16 STREETScape. A SHADED FIVE TO SEVEN FOOT LAWN PANEL IS A
17 MINIMUM BUFFER BETWEEN STREET AND THE SIDEWALK TO ALLOW SAFE
18 PASSAGE AND A FUNCTIONAL SIDEWALK IN ALL WEATHER. GOVERNMENT
19 NEEDS TO PROVIDE FOR EXISTING PEDESTRIANS, TO ENCOURAGE
20 EMPLOYEES AND THE PUBLIC TO USE PUBLIC TRANSPORTATION AND
21 PEDESTRIAN ACCESS AND TO IMPROVE THE AESTHETIC SETTING FOR
22 EVERYONE. WE SUPPORT PARK AND PLANNING'S REASONABLE PROPOSALS
23 TO ACCOMPLISH THESE GOALS. THANK YOU.

24
25 **COUNCILMEMBER LEVENTHAL:** YES, THANK YOU, MR. GORDON?

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1

2 **SPEAKER:** ([SPEAKER NOT UNDERSTOOD]

3

4 **COUNCILMEMBER LEVENTHAL:** TURN ON YOUR MICROPHONE.

5

6 **MR. GORDON:** SORRY. LARRY GORDON WITH STILLMAN ROGERS,
7 REPRESENTING EASTERN DIVERSIFIED PROPERTIES AND WE'RE HERE TO
8 TESTIFY IN OPPOSITION TO THE ZONING TEXT AMENDMENT AS IT HAS
9 BEEN DRAFTED. WE DO NOT OPPOSE THE CONCEPT OF STREETScape. OUR
10 ISSUE DEALS WITH WHEN THAT STREETScape WOULD BE REQUIRED ON
11 INDUSTRIAL PROPERTIES. AND IN PARTICULAR I'M SPEAKING TODAY
12 WITH REGARD TO THE MARYLAND 355 SOUTH CORRIDOR AREA OF THE
13 SHADY GROVE SECTOR PLAN. WE HAVE PROVIDED TESTIMONY TO THE
14 P.H.E.D. IN CONJUNCTION WITH THE SHADY GROVE PLAN ON THIS
15 ISSUE AND OUR TESTIMONY TODAY IS CONSISTENT WITH THAT
16 TESTIMONY. WE HAVE THREE PROPERTIES WITHIN 355 SOUTH. A VOLVO
17 DEALERSHIP, A NISSAN DEALERSHIP AND A USED CAR FACILITY. THE
18 DEALERSHIPS THAT ARE OUT THERE AND THIS WHOLE AREA IS
19 PRIMARILY AUTO-RELATED USES. IT'S FROM PARAMOUNT DRIVE TO
20 SOUTH OF GUDE DRIVE ALONG 355. THE DEALERSHIPS HAVE BEEN THERE
21 FOR A LONG TIME. THEY'RE GOING TO STAY THERE FOR A LONG TIME.
22 THERE ARE LONG-TERM LEASES, UP TO 20 YEARS. A NUMBER OF THEM
23 HAVE RECENTLY BEEN RENOVATED AT A LOT OF COST TO THE OWNERS.
24 RIGHT NOW ON THE EAST SIDE OF 355, WHICH IS THE COUNTY SIDE,
25 THE WEST SIDE IS THE CITY OF ROCKVILLE, THERE IS AN EIGHT-FOOT

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1 SIDEWALK RUNNING PARALLEL TO 355. BEYOND THE SIDEWALK YOU HAVE
2 -- OR WITHIN THE SIDEWALK THERE ARE TREE CUTS. YOU HAVE
3 UTILITY POLES ABOVE THEM, UTILITY POLES. AND BEYOND THAT,
4 DEPENDING ON THE AGE OF THE PROJECT YOU HAVE DIFFERENT DEGREES
5 OF LANDSCAPING. BASICALLY, WHAT WE'RE SUGGESTING IS THAT IT
6 DOES NOT MAKE SENSE TO TEAR OUT WHAT IS A PERFECTLY USABLE
7 GOOD SIDEWALK NOW WHEN THE USES THAT ARE IN THERE ARE CAR
8 DEALERSHIPS. WE THINK IT WOULD MAKE SENSE TO MAKE THESE
9 CHANGES WHEN THE USES CHANGED TO RESIDENTIAL OR MIXED-USE
10 RESIDENTIAL/COMMERCIAL TYPE USES OR OFFICE USES BECAUSE THAT'S
11 WHEN THE BUILDINGS WILL COME DOWN. THAT'S WHEN YOU HAVE AN
12 OPPORTUNITY TO FULLY REDEVELOP YOUR SITES. RIGHT NOW YOU DO
13 NOT HAVE A LOT OF PEOPLE WALKING IN THIS AREA. TO THE EXTENT
14 THAT PEOPLE WOULD LIKE TO WALK IN THE AREA AND HAVE, FOR LACK
15 OF A BETTER TERM, A NICER ENVIRONMENT, THE WEST SIDE IS WHERE
16 KING FARM HAS REDEVELOPED RECENTLY. THE WEST SIDE HAS THE
17 EXACT SAME SIDEWALK SETUP AS THE EAST SIDE. IT HAS AN EIGHT-
18 FOOT SIDEWALK RIGHT UP AGAINST THE ROAD, ABOVE-GROUND UTILITY
19 POLES AND THEN STREETScape. AND THIS IS NO DIFFERENT FOR THE
20 MEMBERS OF THE P.H.E.D. COMMITTEES THAN THE DISCUSSION WE HAD
21 ON THE WIDENING OF 355 AT THIS TIME. THE ISSUE IS WHEN DO YOU
22 IMPOSE THESE REQUIREMENTS? AND WE THINK IT WOULD BE REASONABLE
23 TO ALLOW THE DEALERSHIPS TO CONTINUE AS-IS, TO ALLOW THEM TO
24 UPGRADE (CHIMES) EXPAND AND THEN IMPOSE THIS AT LATER DAY.
25 THANK YOU.

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1

2 **COUNCILMEMBER LEVENTHAL:** THANK YOU. MR. NOELL.

3

4 **MR. NOELL:** GOOD AFTERNOON, PRESIDENT PEREZ AND MEMBERS OF THE
5 COUNTY COUNCIL. I AM DAN NOELL, VICE PRESIDENT OF EASTERN
6 DIVERSIFIED PROPERTIES, INC. AND I'VE HANDED 15 COPIES OF MY
7 WRITTEN TESTIMONY AND FOR THE RECORD. MY TESTIMONY RELATES TO
8 THE I-1 ZONED PROPERTIES OWNED BY E.D.P. IN PARTS OF THE
9 COUNTY OUTSIDE OF THE SHADY GROVE MASTER PLAN, SECTOR PLAN.
10 E.D.P. OWNS A NUMBER OF AUTOMOBILE DEALERSHIPS AND AUTO-
11 RELATED PROPERTIES IN VICINITY OF CHERRY HILL ROAD, AT THE
12 ROUTE 29 AND FAIRLAWN AREA OF SILVER SPRING. LIKE OUR SHADY
13 GROVE AREA PROPERTIES, OUR SILVER SPRING PROPERTIES ALSO ARE
14 ZONED I-1. ADDITIONALLY, MANY OF THESE PROPERTIES ARE SITUATED
15 WITHIN THE INTERIOR OF MONTGOMERY COUNTY INDUSTRIAL PARK. OUR
16 NEWER AUTO SALES FACILITIES HAVE GONE THROUGH SITE PLAN REVIEW
17 AT THE PLANNING BOARD AND HAVE STREETScape AND SIDEWALK
18 REQUIREMENTS IMPOSED UPON THEM. OUR OLDER PROPERTIES LIKE
19 DARCARS/TOYOTA WERE DEVELOPED PRIOR TO THE SITE PLAN REVIEW
20 BUT NEVERTHELESS HAVE MADE SIGNIFICANT STREETScape
21 IMPROVEMENTS WITH SUBSTANTIAL INPUT FROM THE NEIGHBORING
22 COMMUNITY. AS DRAFTED, Z.T.A. 05-05 WOULD SUBJECT THESE
23 ALREADY-DEVELOPED PROPERTIES TO WHATEVER STREETScape OR
24 RECOMMENDATIONS MIGHT APPEAR IN FUTURE FAIRLAWN SECTOR PLAN.
25 AS A RESULT, AND THE OTHER OWNERS OF I-1 ZONED PROPERTY WILL

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1 HAVE TO FULLY PARTICIPATE IN SUCH FUTURE SECTOR PLAN AS TO TRY
2 TO PRESERVE EXISTING STREETScape, SIDEWALK AND LIGHTING
3 IMPROVEMENTS. THIS SEEMS TO ME PATENTLY UNFAIR. WE HAVE MADE
4 IMPROVEMENTS IN GOOD FAITH AND SHOULD NOT HAVE TO FIGHT TO
5 PRESERVE THEM SHOULD WE DESIRE TO MODIFY OUR EXISTING
6 DEALERSHIPS. I WOULD ALSO NOTE THAT IT IS NOT JUST AUTO-
7 RELATED USES THAT WOULD BE AFFECTED. OFFICE BUILDINGS, BANKS,
8 HOTELS, MANUFACTURING FACILITIES, HOSPITALS, AND NUMEROUS
9 OTHER I-1 ZONED USES THROUGHOUT THE COUNTY WOULD HAVE TO
10 COMPLY WITH MASTER OR SECTOR PLANS WERE RECOMMENDED OR
11 REPLACED TO INCLUDE STREETScape PROVISIONS. THIS IS RECIPE FOR
12 CONFUSION AND DISILLUSIONMENT BY EVEN THE MOST DILIGENT OF
13 PROPERTY OWNERS. THE BETTER SOLUTION WOULD BE EITHER TO DROP
14 Z.T.A. 05-05 ALL TOGETHER OR, AT A MINIMUM, GRANDFATHER ALL
15 EXISTING USES ALONG WITH MODIFICATIONS AND EXPANSIONS THERETO.
16 THANK YOU FOR YOUR CONSIDERATION.

17
18 **COUNCILMEMBER LEVENTHAL:** THANK YOU, MR. GLASGOW?

19
20 **MR. GLASGOW:** THANK YOU. GOOD AFTERNOON. I'M PAUL T. GLASGOW, 1
21 CHURCH STREET IN ROCKVILLE. I REPRESENT ROYCO, WHICH IS THE
22 OWNER OF SIX PROPERTIES IN THE MARYLAND 355 SOUTH CORRIDOR OF
23 THE SHADY GROVE SECTOR PLAN. THE SIX PROPERTIES OWNED BY ROYCO
24 ARE A MITSUBISHI DEALERSHIP, A HONDA DEALERSHIP, AND THE LEXUS
25 DEALERSHIP NORTH OF GUDE, MR. TIRE, THE BUSINESSES AT AUTO

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1 CARE PARK AND 355 TOYOTA SOUTH OF GUDE DRIVE. TOGETHER THE
2 DEALERSHIPS AND TE AUTO CARE PARK TOTAL 13.4 ACRES OF THE 3.--
3 34.5 ACRES IN THIS MARYLAND SOUTH CORRIDOR. THIS CONSTITUTES
4 38% OF PROPERTIES IN THIS SECTION OF THE CORRIDOR AND TOGETHER
5 WITH THE PROPERTIES OWNED BY EASTERN DIVERSIFIED COMPRISE WELL
6 OVER 50% OF THE PROPERTIES IN THE MARYLAND 355 SOUTH CORRIDOR.
7 ALL THE PROPERTIES OWNED BY ROYCO ARE LONG-STANDING AUTOMOBILE
8 DEALERSHIPS OR AUTO-RELATED USES, WHICH HAVE BEEN LOCATED IN
9 THIS SEGMENT OF THE CORRIDOR FOR OVER 20 YEARS. MOST LEASES
10 FOR THESE AUTOMOBILE-RELATED USES ARE LONG-TERM LEASES WITH
11 RENEWAL OPTIONS. AND RELYING ON THESE LONG-TERM LEASES, MANY
12 OF THE OWNERS AND TENANTS HAVE MADE SIGNIFICANT CAPITAL
13 IMPROVEMENTS IN THEIR PROPERTIES IN RECENT YEAR IN ORDER TO
14 IMPROVE THE ATTRACTIVENESS AND FUNCTIONALITY OF THE
15 DEALERSHIPS. INDEED, AT THE PRESENT TIME SONIC AUTOMOTIVE HAS
16 PLANS UNDERWAY FOR SUBSTANTIAL RENOVATIONS AND ENHANCEMENTS OF
17 THEIR LEXUS DEALERSHIP. ROYCO UNDERSTANDS AND APPRECIATES THAT
18 STREETSCAPE IMPROVEMENTS THAT PROMOTE PEDESTRIAN SAFETY AND
19 ACCESS ARE DESIRABLE GOALS AND OBJECTIVES FOR IMPLEMENTATION
20 IN AREAS DEVOTED TO RESIDENTIAL USES. WHEN THESE PROPERTIES
21 DEVELOP FOR RESIDENTIAL USE IT WOULD BE APPROPRIATE AND
22 DESIRABLE TO IMPLEMENT STREETSCAPE IMPROVEMENTS. HOWEVER, THE
23 AUTOMOBILE-RELATED USES IN MARYLAND 355 SOUTH CORRIDOR ARE AND
24 WILL REMAIN INDUSTRIALLY ZONED AND DO NOT ATTRACT PEDESTRIAN
25 TRAFFIC. THE CONSTRAINTS CONTAINED IN THIS TEXT AMENDMENT

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1 LIMITING THE ALLOWABLE AREA THAT CAN BE EXPANDED, RENOVATED
2 AND ENHANCED WITHOUT TRIGGERING STREETScape REQUIREMENTS UNDER
3 THIS PROPOSED TEXT AMENDMENT WILL ACT AS A DISINCENTIVE TO
4 PROPERTY OWNERS AND TENANTS TO UPDATE AND MODERNIZE THEIR
5 FACILITIES. INDEED, THE IMPOSITION OF THESE STREETScape
6 IMPROVEMENTS PRIOR TO REDEVELOPMENT OF THESE PROPERTIES FOR
7 RESIDENTIAL USE WILL CAUSE CERTAIN PROPERTY OWNERS AND TENANTS
8 TO FOREGO MEANINGFUL LEVELS OF MODERNIZATION AND ENHANCEMENT
9 OF THEIR PROPERTIES IN ORDER TO TO AVOID TRIGGERING THESE
10 STREETScape REQUIREMENTS INCLUDING THE COST OF NOT ONLY
11 RELOCATING SIDEWALKS BUT ALSO THE COSTLY RELOCATION OF
12 EXISTING UTILITIES. IN ADDITION, THE CURRENT TEXT AMENDMENT
13 DOES NOT TAKE INTO CONSIDERATION THE EXISTING TOPOGRAPHY OF
14 THE PROPERTIES IN THE MARYLAND 355 SEGMENT OF THE CORRIDOR. BY
15 WAY OF EXAMPLE, ONE OF OUR PROPERTIES AT THE EXTREME SOUTH END,
16 MR. TIRE, HAS ALREADY BEEN RADICALLY IMPACTED BY THE PREVIOUS
17 REALIGNMENT AND EXPANSION OF MARYLAND ROUTE 355, LEAVING THE
18 BUILDING ON THE PROPERTY SOME TEN FEET BELOW ROUTE 355 (CHIME)
19 WITH NO AREA AVAILABLE. IN CONCLUSION, ROYCO UNDERSTANDS AND
20 APPRECIATES THAT STREETScape IMPROVEMENTS THAT PROMOTE
21 PEDESTRIAN ACCESS AND SAFETY ARE DESIRABLE. HOWEVER, THE
22 TRIGGER FOR IMPLEMENTATION OF THE STREETScape IMPROVEMENTS IN
23 THIS TEXT AMENDMENT SHOULD BE CHANGED TO REQUIRE
24 IMPLEMENTATION AT TIME THE PROPERTIES REDEVELOP FOR
25 RESIDENTIAL USE --

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1

2 **COUNCILMEMBER LEVENTHAL:** OKAY.

3

4 **MR. NOELL:** THANK YOU.

5

6 **COUNCILMEMBER LEVENTHAL:** THANK YOU, MS. KOENICK?

7

8 **MS. KOENICK:** MY NAME IS JUDY KOENICK. IN 1978 THERE WAS A TV
9 SHOW CALLED THE WAKING LAND STARRING ELIZABETH MONTGOMERY, A
10 THEN VERY SMALL AND YOUNG JANE SEYMORE, WILLIAM H. -- WILLIAM
11 G. MACY AND HAL HOLBROOK. IT STARTS WITH THE FAMILY BEFORE SHE
12 MET MR. HOLBROOK GOING ON A TRACE TO THE OHIO TERRITORY. THE
13 TRACE, FOR THOSE OF YOU WHO DON'T KNOW, IS BASICALLY THE TRAIL
14 CREATED BY ANIMALS THROUGH THE WOODS, THE OHIO TERRITORY IN
15 THE LATE 1700S AND EARLY 1800S. SHE GOES WITH HER FATHER. HER
16 FATHER HAS TO -- CAN'T LIVE UNLESS THERE'S ALL TREES AND WOODS
17 ALL AROUND SO HE BASICALLY EVENTUALLY LEAVES. SHE HAS A LARGE
18 TRACT OF LAND. THEY COME IN, PEOPLE WANT HER TO GIVE LAND FOR
19 A SCHOOL, FOR A CHURCH, FOR COMMUNITY PLACES AND SO FORTH AND
20 BIG HOUSES. ULTIMATELY AT THE END WHAT HAPPENS, THEY LOOK
21 AROUND AND THEY SEE, WHERE ARE ALL THE TREES? THEY DO WHAT WE
22 CAN'T. THEY WALK INTO THE WOODS, BRING THE TREES AND PLANT
23 THEM BACK THERE. WE HAVE TO GO BUY TREES TO PLANT THEM. WE
24 NEED TO DO THAT. TO REQUIRE PEOPLE TO HAVE STREETSCAPING IS
25 ABSOLUTELY ESSENTIAL. A RECENT MAP THAT I LOOKED AT SHOWED THE

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1 GREEN COVERAGE FOR D.C. VERSUS WHAT IT WAS A NUMBER OF YEARS
2 AGO AND RIGHT NOW PROBABLY 75% OF GREEN COVERAGE IN D.C. IS
3 GONE. THE PROBLEMS YOU HAVE IS, WHEN YOU BRING IN A PLAN TO --
4 WHETHER IT'S PERMITTING SERVICES AND SO FORTH THAT SHOWS THE
5 TREES, WHAT THEY SHOW YOU IS WHAT THEY THINK IT'S GOING TO
6 LOOK LIKE IN 30 OR 40 YEARS. AND IN FACT, WHAT THEY PLANT ARE
7 TOOTHPICKS. AN EXAMPLE CAN BE SEEN, IF YOU LOOK AT THIS
8 PICTURE HERE, YOU'LL SEE A TREE THAT'S ABOUT THAT BIG AND ONE
9 THAT'S ABOUT THAT BIG. THE FIRST HAVING BEEN PLANTED ABOUT 15
10 YEARS AGO, THE OTHER ONE A COUPLE YEARS AGO AND IT'S BEEN
11 KILLED. WHAT YOU NEED WHEN YOU HAVE THESE TREES AND PLANTS IN
12 DRAWINGS AND YOU REQUIRE THEM IS, A, THAT THEY PLANT SOMETHING
13 THAT'S GOING TO HAVE COVERAGE NOT IN 30 OR 40 YEARS BUT AT
14 THAT TIME. B, THAT THEY MUST BE ABLE TO MAINTAIN THEM AND, C,
15 WHEN IT COMES TIME TO WIDEN THE ROADS AND WIDEN THE SIDEWALKS,
16 WHAT IS THE FIRST THING THAT GOES? THE TREES. THEREFORE THEY
17 START OVER AGAIN WITH THE TOOTHPICKS. YOU NEED TO -- IF YOU
18 REQUIRE TREES, YOU NEED TO REQUIRE THE TREES BE REPLANTED AT
19 THE MINIMUM OF THE SIZE AND CALIPER THAT EXISTED WHEN THEY CUT
20 THEM DOWN RATHER THAN COMING INTO THESE LITTLE, PUNY LITTLE
21 AREAS. I'M SURE THAT MANY OF YOU HAVE SEEN THINGS FROM THE
22 NATIONAL ARBOR OR SOMETHING OR OTHER, THEY SHOW THESE
23 BEAUTIFUL PICTURES OF DOGWOOD TREES AND FLOWERS TREES. YOU
24 SEND IN YOUR TEN BUCKS, THEY SEND YOU YOUR TREES. AND THEIR
25 PHOTOGRAPH SHOWS SOMEONE PLANTING A BEAUTIFUL TREE THAT'S

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1 THREE, FOUR, FEET HIGH. WELL, MOST OF THE TREES THEY SEND YOU
2 [CHIME] ARE THINNER THAN TOOTHPICKS AND IF YOU THINK THEY LOOK
3 LIKE A TREE, THEY LOOK MORE LIKE A DEAD BRANCH.

4

5 **COUNCILMEMBER LEVENTHAL:** JUDY, YOU NEED TO WRAP UP. ARE YOUR
6 REMARKS IN SOME WAY GOING TO RELATE TO ZONING TEXT AMENDMENT
7 05-05?

8

9 **MS. KOENICK:** YES, WHAT I'M SAYING, IF YOU --

10

11 **COUNCILMEMBER LEVENTHAL:** WELL, WHY DON'T YOU MAKE YOUR FINAL
12 POINT NOW BECAUSE YOUR TIME IS UP.

13

14 **MS. KOENICK:** MY FINAL POINT IS THAT IF YOU'RE GOING TO REQUIRE
15 TREESCAPING, THERE HAVE TO BE PROVISIONS TO MAKE SURE THAT
16 THEY ARE SUBSTANTIAL TREES, THAT THEY ARE MAINTAINED. THEY
17 CAN'T JUST BE ARBITRARILY CUT DOWN TO WIDEN A ROAD. AND ANY
18 DRAWING THEY SHOW YOU OF WHAT THEY LOOK LIKE IS WHAT IT LOOKS
19 LIKE NOW AND NOT IN 30 OR 40 YEARS.

20

21 **COUNCILMEMBER LEVENTHAL:** OKAY. THANK YOU FOR YOUR TESTIMONY.
22 MS. HELLER?

23

24 **MS. HELLER:** MY NAME IS DIANA HELLER. I'M THE NEWSPAPER EDITOR
25 FOR THE SHADY GROVE CIVIC ALLIANCE. I'VE BEEN ASKED BY

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1 MEMBERSHIP TO TESTIFY ON BEHALF OF OUR ORGANIZATION TODAY. WE
2 SUPPORT THE DEPARTMENT OF PARK AND PLANNING'S PROPOSED ZONING
3 CHANGES REQUIRING I-1 PROPERTIES TO PROVIDE STREETSCAPING
4 COUNTYWIDE IN ACCORDANCE WITH COUNTY STANDARDS. THIS
5 REQUIREMENT IS NOT A HARDSHIP BECAUSE IT IS REQUIRED ONLY WHEN
6 THEY ARE MAKING SIGNIFICANT CHANGING TO THEIR PROPERTIES OR
7 WHEN REDEVELOPING. OUR COUNTY IS BECOMING MORE URBAN WITH
8 INDUSTRIAL AND RESIDENTIAL LIVING CLOSE PROXIMITY TO EACH
9 OTHER. THE STREETSCAPING ELEMENTS ARE PART OF A DEVELOPING
10 STANDARD IN THE COUNTY THAT IS NECESSARY TO THE SUCCESS OF
11 MIXED-USE NEIGHBORHOODS. INDUSTRIAL PROPERTIES SHOULD HAVE
12 SAFE SIDEWALKS WITH A BUFFER OF TREES AND GREEN SPACE BETWEEN
13 THE ROAD AND SIDEWALKS. SIDEWALKS DIRECTLY NEXT TO THE STREET
14 ARE TOO DANGEROUS. PRESENTLY, NOT ALL I-1 ZONED STREETS EVEN
15 HAVE SIDEWALKS. MANY INDUSTRIAL AREAS ARE SUBSTANDARD BECAUSE
16 THEY WERE DEVELOPED BEFORE SIDEWALKS WERE REQUIRED. FOR
17 EXAMPLE, OAKMONT HAS NO SIDEWALKS AND DOES HAVE MANY BUS STOPS.
18 OTHER I-1 AREAS HAVE SIDEWALKS BUT THE SIDEWALKS ARE DIRECTLY
19 NEXT TO THE BUSY STREETS WITH BUS AND TRUCK TRAFFIC, MAKING
20 WALKING DANGEROUS AND UNPROTECTED AND UNPLEASANT. SNOW GETS
21 PILED ON THE CURBSIDE SIDEWALKS AND IS NOT CLEARED ALL WINTER
22 SO PEDESTRIANS LOSE THE SIDEWALK COMPLETELY. AND AREAS WITHOUT
23 SIDEWALKS HAVE ABSOLUTELY NO ROOM FOR WALKERS WHEN IT SNOWS.
24 AS THE INDUSTRIAL AND RESIDENTIAL BLEND MORE AND MORE INTO ONE,
25 WE NEED THE VISUAL CONTINUITY AS WELL. BRINGING THESE SIDE-BY-

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1 SIDE AREAS INTO A VISUALLY COHESIVE AND ATTRACTIVE LANDSCAPE
2 IS CRUCIAL TO CREATING A PLEASANT, LIVABLE COMMUNITY. THE GOAL
3 OF THE UNIFORM I-1 AMENDMENT IS SO THAT OVER TIME AS
4 PROPERTIES REDEVELOP, AN ATTRACTIVE, SAFE WALKWAY IS PROVIDED
5 THROUGHOUT MONTGOMERY COUNTY. BY ADOPTING A STANDARD TO
6 INDUSTRIAL AREAS THAT IS COUNTYWIDE, YOU SET A REQUIREMENT
7 THAT IS NOT SITE-SPECIFIC AND IS FAIR TO ALL. IT SHOULD NOT BE
8 A HARDSHIP BECAUSE THE AMENDMENT IS WRITTEN IN A WAY THAT ONLY
9 LARGE DEVELOPMENTS NEED TO UPDATE FRONTAGES. ALSO, THE
10 AMENDMENT IS NOT INTENDED TO REQUIRE RELOCATION OF OVERHEAD
11 UTILITIES. THERE WAS SUCH A CASE BEFORE THE PLANNING BOARD
12 WHERE THE UTILITIES AND THE SIDEWALKS WERE RESOLVED AND
13 UTILITIES WILL STAY WHERE THEY ARE. THE COMMUNITY APPRECIATES
14 THE INDUSTRIAL COMPANIES THAT PROVIDE JOBS, SERVICES AND GOODS.
15 MONTGOMERY COUNTY GIVES THEM A GOOD PLACE TO DO BUSINESS. THEY
16 ARE PART OF OUR COMMUNITY AND WE BELIEVE THEY NEED TO BE A
17 GOOD NEIGHBOR BY PROVIDING ATTRACTIVE AND SAFE PEDESTRIAN
18 SIDEWALKS. (CHIMES)

19
20 **COUNCILMEMBER LEVENTHAL:** LAST THING.

21
22 **SPEAKER:** LASTLY, WE SUPPORT TEXT AMENDMENT 05-06 AND YOU CAN
23 READ MY LAST PARAGRAPH. THANK YOU VERY MUCH.

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1 **COUNCILMEMBER LEVENTHAL:** THANK YOU MS. HELLER. MRS. PRAISNER
2 HAS HER LIGHT ON.

3

4 **COUNCILMEMBER PRAISNER:** YES. ACTUALLY, MY QUESTION IS NOT FOR
5 THE PANEL. IT'S THE QUESTION FOR WHEN THE P.H.E.D. COMMITTEE
6 HAS THIS DISCUSSION. EVERYTHING IS FOCUSED ON THE I-1 ZONE
7 WITH THESE NEW COUNTY STANDARDS. I'D LIKE TO HAVE A DISCUSSION
8 OF COUNTY STANDARDS, NOT AS IT RELATES TO THE I-1 ZONE BUT
9 SINCE THE I-1 ZONE IS NOT THE DOMINANT ZONE IN THE COUNTY,
10 THERE'S AN ASSUMPTION BEING MADE HERE THAT THIS IS GOING TO
11 IMPROVE SIDEWALKS IN SOME SIGNIFICANT WAY BECAUSE OF THE
12 REQUIREMENT FOR -- WITH REDEVELOPMENT, THE REQUIREMENT FOR A
13 BUFFER AND THEN SIDEWALK. AS I TRAVEL MY WAY HERE IN THE
14 MORNING, I TRAVEL RANDOLPH ROAD. AND THERE ARE OTHER MAJOR
15 ROADS IN THE COUNTY, COMPLETELY RESIDENTIAL, WITH SIDEWALKS
16 ABUTTING THE CURB AND THE ROAD. MY QUESTION IS, WHAT IS THE
17 MAGNITUDE OF THE IMPLICATIONS OF A DISCUSSION FOCUSED ONLY ON
18 THE I-1 ZONE IF IT'S BASED ON A COUNTY STANDARD THAT IS NOT
19 ACHIEVABLE IN RESIDENTIAL ZONES THAT ARE THE DOMINANT ZONE IN
20 THE COUNTY OR ON DOMINANT ZONES IN THE COUNTY? AND IS IT THE
21 PLANNING BOARD'S EXPECTATION THAT RESIDENTIAL ZONES WILL BE
22 CHANGED AS WELL, AS FAR AS SIDEWALK STANDARDS ARE CONCERNED?
23 AND WHAT IS THAT -- WHAT IS THE IMPLICATION FOR FUTURE ROADS -
24 - FUTURE DEVELOPMENT OF THAT?

25

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1 **COUNCIL PRESIDENT PEREZ:** OKAY. NO OTHER LIGHTS ON. THANK YOU
2 FOR YOUR TESTIMONY. OKAY. AGENDA ITEM NUMBER 15, THIS IS A
3 PUBLIC HEARING ON ZONING TEXT AMENDMENT 05-06, WHICH WOULD
4 AMEND THE ZONING ORDINANCE TO ALLOW ANY BUILDING MATERIAL AND
5 SUPPLIES TO OUR EXISTING -- AT THE TIME PROPERTY IS PLACED IN
6 THE R&D ZONE TO CONTINUE AS A CONFORMING USE. THE P.H.E.D.
7 COMMITTEE WORK SESSION IS CURRENTLY SET FOR JUNE 13TH, 2005.
8 PLEASE CALL 240-777-7900 TO CONFIRM THAT DATE AND TIME THERE
9 ARE NO SPEAKERS FOR THIS --

10

11 **MR. RUSS:** ACTUALLY ONE.

12

13 **COUNCIL PRESIDENT PEREZ:** OH, I THOUGHT YOU SPOKE IN YOUR OTHER
14 TESTIMONY ON THIS, GREG. OKAY, SORRY. GO AHEAD.

15

16 **MR. RUSS:** THE PLANNING -- FOR THE RECORD, GREG RUSS FROM THE
17 MONTGOMERY COUNTY PLANNING BOARD. THE PLANNING BOARD REVIEWED
18 THIS TEXT AMENDMENT AT ITS REGULAR MEETING ON MAY 5TH, 2005.
19 THE BOARD UNANIMOUSLY RECOMMENDS THAT THE TEXT AMENDMENT BE
20 APPROVED AS AMENDED WITH MINOR PLAN LANGUAGE MODIFICATIONS
21 THAT ARE INCLUDED IN THE TECHNICAL STAFF REPORT. THE PLANNING
22 BOARD DRAFT OF THE SHADY GROVE SECTOR PLAN RECOMMENDS REZONING
23 THE EXISTING GREAT INDOORS PROPERTY, WHICH IS DESIGNATED AS A
24 BUILDING MATERIALS AND SUPPLY USE AND LOCATED ALONG SHADY
25 GROVE ROAD FROM I-1 TO R&D AND I-3, USING THE OPTIONAL

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1 PROVISIONS TO AVOID CREATING NONCONFORMING USE AND BUILDING
2 SIDES UNDER THE R&D ZONE FOR THE GREAT INDOORS. THE PLANNING
3 BOARD BELIEVES THAT IT IS APPROPRIATE TO ADOPT A ZONING TEXT
4 AMENDMENT TO ALLOW THE EXISTING BUILDING MATERIALS AND SUPPLY
5 USE AS A GRANDFATHERED USE IN THE R&D ZONE. THE DRAFT PLAN
6 FURTHER RECOMMENDS THE DEVELOPMENT OF THE SHADY GROVE
7 TECHNOLOGY CORRIDOR USING THE RESEARCH AND DEVELOPMENT AND I-3
8 ZONE AS THE IMPLEMENTATION MEASURE. IN ORDER TO ACHIEVE
9 OBJECTIVES OF THE SECTOR PLAN AND ENCOURAGE BETTER SITE DESIGN
10 FOR THE TECHNOLOGY CORRIDOR THE BOARD BELIEVES IT IS
11 APPROPRIATE TO REQUIRE SITE PLAN REVIEW FOR THE STANDARD
12 METHOD OF DEVELOPMENT IN THE R&D ZONE. THIS REQUIREMENT WILL
13 ENSURE A CHARACTER THAT CAN COMPETE IN THE MARKETPLACE AND
14 ATTRACT QUALITY R&D BUSINESSES THROUGHOUT THE COUNTY. THANK
15 YOU, MR. PRESIDENT.

16
17 **COUNCIL PRESIDENT PEREZ:** THANK YOU. THERE ARE NO QUESTIONS,
18 THANK YOU, MR. RUSS. AGENDA ITEM NUMBER 16, THIS IS A PUBLIC
19 HEARING ON THE AMENDMENT TO THE DEPARTMENT OF ENVIRONMENTAL
20 PROTECTION'S '06 CAPITAL BUDGET IN THE FY05 TO 10 CAPITAL
21 IMPROVEMENTS PROGRAM FOR STREET TREE PLANTING IN THE AMOUNT OF
22 \$195,000. PERSONS WISHING TO SUBMIT ADDITIONAL INFORMATION FOR
23 THE COUNCIL'S CONSIDERATION SHOULD DO SO WITHIN THE NEXT THREE
24 AND A HALF MINUTES. MR. FIRESTINE?

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1 **MR. FIRESTONE:** THANK YOU. I'M TIM FIRESTONE. I'M THE DIRECTOR.

2 AND LET ME -- DO IT OR YOU JUST WANT --?

3

4 **COUNCIL PRESIDENT PEREZ:** YES, PLEASE.

5

6 **MR. FIRESTONE:** OKAY.

7

8 **COUNCILMEMBER SILVERMAN:** WE KNOW WHO YOU ARE.

9

10 **COUNCIL PRESIDENT PEREZ:** WE KNOW WHO YOU ARE, MR. FIRESTONE.

11 [OVERLAPPING VOICES]

12

13 **COUNCILMEMBER SILVERMAN:** WHY ARE YOU HERE? THIS IS WHAT WE

14 WANT TO KNOW.

15

16 **MR. FIRESTONE:** I'M ASKING THE SAME QUESTION -- [LAUGHTER] I

17 SHOULDN'T HAVE TO COME OVER HERE ON THIS, REALLY. I'M NOT HERE

18 TO COMMENT ON MERITS OF THE TREE-PLANTING PROGRAM. BASICALLY,

19 WHAT I'M HERE TO COMMENT ON IS THE MOVEMENT FROM THE OPERATING

20 BUDGET TO THE CAPITAL BUDGET AND IN PROPOSING --

21

22 **COUNCIL PRESIDENT PEREZ:** BLAH-BLAH-BLAH-BLAH...

23

24 **MR. FIRESTONE:** AND PROPOSING TO FUND IT WITH DEBT. AS YOU KNOW

25 CAPITAL PROGRAM ITEMS -- THERE ARE MANY CRITERIA FOR WHY ITEMS

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1 ARE IN THE CAPITAL PROGRAM. GENERALLY, A CAPITAL PROGRAM HAS A
2 BEGINNING AND END, AS DIFFERENTIATED FROM THE TYPES OF
3 PROGRAMS WE INCLUDE IN THE OPERATING BUDGET. AND WHEN I USE
4 THE WORD ONGOING, I'M NOT TALKING ABOUT SOME OF OUR PROJECTS
5 WHICH ARE WHAT I WOULD CALL MORE LIKE UMBRELLA PROJECTS, WHERE
6 IT'S A MAINTENANCE-TYPE PROJECT DESIGNED TO INCREASE THE
7 USEFUL LIFE OF ANOTHER CAPITAL FACILITY. BUT TREE PLANTING IS
8 GOING PROGRAM WITH NO END. IT BELONGS IN THE OPERATING BUDGET.
9 WE HAVE MADE SIGNIFICANT EFFORT SOME TIME AGO TO CAREFULLY
10 DIFFERENTIAL ONGOING OPERATING PROGRAMS FROM THE CREATION OF
11 CAPITAL ASSETS AND MOVED MANY OF THOSE PROGRAMS FROM THE C.I.P.
12 TO THE OPERATING BUDGET. WE HAD FOUND THAT MANY DEPARTMENTS
13 AND AGENCIES HAD PUT PROJECTS OF AN ONGOING NATURE IN THE
14 C.I.P. IN AN EFFORT TO PROTECT THEM FROM THE ANNUAL
15 COMPETITION FOR RESOURCES IN THE OPERATING BUDGET. AGAIN,
16 THAT'S JUST ONE REASON. BUT IF WE LOOK AT -- THIS PROJECT WAS
17 RECOMMENDED IN THE OPERATING BUDGET, CURRENT REVENUE FUNDED.
18 SO NOW IF WE LOOK AT THE QUESTION OF DEBT FINANCING, OUR
19 FISCAL POLICY INCLUDES CRITERIA FOR WHAT CAN BE DEBT-FINANCED.
20 THE PRIMARY ONE IS THAT USEFUL LIFE OF ASSETS SHOULD AT LEAST
21 MATCH THE TERM OF THE BONDS. THE USEFUL LIFE OF A TREE IS
22 UNPREDICTABLE. LIKE MOST OTHER CAPITAL ASSETS IF A TREE DIES
23 OR IS DESTROYED IN A STORM, THERE IS NO INSURANCE TO REPLACE
24 IT. IT'S NOT GOOD FISCAL PRACTICE TO USE LONG-TERM DEBT
25 FINANCING TO PAY FOR SOMETHING THAT'S ALIVE, HAS AN

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1 UNPREDICTABLE USEFUL LIFE AND IS NOT INSURED FOR REPLACEMENT.
2 ALSO, WHEN DECIDING WHETHER OR NOT TO USE BONDS AS A FUNDING
3 SOURCE WE LOOK AT OTHER CRITERIA SUCH AS THE PROHIBITION ON
4 THE USE TAX-EXEMPT DEBT FOR PRIVATE PURPOSES. AND I NOTICED ON
5 THE P.D.F., AND IT SAYS THE PROJECT WILL PLANT TREES ON
6 PRIVATE PARKING LOTS, AND AS WE KNOW THAT WOULD BE A VIOLATION
7 OF THE TAX CODE. LAST BUT NOT LEAST, IT'S POSSIBLE THE PROJECT
8 ITSELF MAY NOT BE LEGAL. IF YOU LOOK AT CHAPTER 20 OF THE
9 MONTGOMERY COUNTY CODE, IT SPECIFIES WHAT GENERAL OBLIGATION
10 BONDS MAY BE USED FOR AND WHILE IT'S POSSIBLE YOU COULD
11 STRETCH A DEFINITION IN THAT CATEGORY, IT'S NOT ENTIRELY CLEAR
12 THAT YOU COULD DO A STAND-ALONE TREE-PLANTING PROJECT AND FUND
13 IT WITH G.O. BONDS. SO, IF YOU APPROVE THE PROJECT THE FUNDING
14 SHOULD BE CURRENT REVENUE AND IT SHOULD BE IN THE OPERATING
15 BUDGET. (CHIMES)

16
17 **COUNCILMEMBER FLOREEN:** OH, THREE MINUTES.

18
19 **COUNCIL PRESIDENT PEREZ:** WOW, IMPRESSIVE.

20
21 **MR. FIRESTONE:** PRACTICED.

22
23 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN?
24

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1 **COUNCILMEMBER SUBIN:** MR. FIRESTINE, I THINK YOU ANSWERED PART
2 OF MY QUESTION. BUT I'D ALSO LIKE TO TAKE IT A STEP FURTHER.
3 MY ORIGINAL QUESTION WAS, WHAT HAPPENS IF THE TREE DIES? DO
4 YOU THEN HAVE TO GO IN WITH A BOND FOR ANOTHER TREE?

5

6 **MR. FIRESTINE:** RIGHT. SO YOU'RE STILL PAYING ON THE FIRST TREE
7 THAT DIED. THAT'S MY POINT ABOUT A CAPITAL FACILITY. IF YOU
8 BUILD A BUILDING AND IT GETS DESTROYED OR THERE'S A FIRE OR A
9 HURRICANE BLOWS IT OVER OR SOMETHING, YOU HAVE INSURANCE TO
10 REPLACE IT. YOU KNOW, THESE TREE, IF SOMETHING HAPPENS TO ONE
11 OF THEM, YOU'RE GOING TO BE STILL PAYING ON THE --

12

13 **COUNCILMEMBER SUBIN:** SO WHAT HAPPENS THEN IF THE TREE-PLANTING
14 IS IN A LARGE AREA AND A DOWNDRAFT OCCURS, AS THEY HAVE DONE
15 BEFORE, AND WIPES OUT THE GROVE? YOU HAVE TO GO OUT AND GET
16 NEW BONDS? CAN YOU GET INSURANCE ON TREES?

17

18 **MR. FIRESTINE:** NO, I DON'T THINK -- WELL, YOU COULD BUT
19 PROBABLY THE COST OF A NEW TREE TO INSURE AN EXISTING TREE.

20

21 **COUNCILMEMBER SUBIN:** SO THAT IN ORDER TO PROTECT THE CAPITAL
22 ASSET YOU HAVE TO GO OUT AND BUY TREE INSURANCE.

23

24 **MR. FIRESTINE:** TREE INSURANCE, RIGHT. IT WOULD BE
25 PROHIBITIVELY EXPENSIVE.

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1

2 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN, I REALLY RESPECTFULLY
3 BELIEVE THAT YOU MAY BE LOSING SIGHT OF THE FOREST FOR THE
4 TREES HERE. [LAUGHTER]

5

6 **COUNCILMEMBER SILVERMAN:** TIM, IF A TREE DIES, IS IT REALLY...
7 [LAUGHTER]

8

9 **MR. FIRESTONE:** DEPENDS ON --

10

11 **COUNCILMEMBER SUBIN:** I'M NOT SURE HOW TO RESPOND TO THE
12 COUNCIL PRESIDENT'S STATEMENT. [LAUGHTER]

13

14 **COUNCILMEMBER SUBIN:** I THINK THE COUNCIL PRESIDENT HAS TAKEN
15 THIS ONE LEAF TOO FAR.

16

17 **COUNCILMEMBER PRAISNER:** UH-OH.

18

19 **COUNCILMEMBER SUBIN:** YOU DIDN'T LIKE THAT!

20

21 **COUNCIL PRESIDENT PEREZ:** YOUR BARK HAS ALWAYS BEEN BIGGER THAN
22 YOUR BITE.

23

24 **COUNCILMEMBER SUBIN:** WHERE WERE THOSE GROANS FROM A MINUTE
25 AGO? OKAY, TIM. I'M SCARED TO TAKE THIS ANOTHER STEP FURTHER.

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1

2 **COUNCIL PRESIDENT PEREZ:** I SEE NO QUESTIONS SO I THINK YOU
3 SHOULD RUN BEFORE THE LIGHT GOES ON. OH! DID YOU HAVE A
4 QUESTION?

5

6 **COUNCILMEMBER FLOREEN:** I WAS GOING TO SAY, I THINK WHAT MR.
7 FIRESTINE HAS SUGGESTED IS THAT WE'RE JUST BARKING UP THE
8 WRONG TREE. [GROANS]

9

10 **COUNCILMEMBER SUBIN:** THANK YOU!

11

12 **COUNCIL PRESIDENT PEREZ:** AGENDA ITEM 17 --

13

14 **COUNCILMEMBER SILVERMAN:** COME BACK REAL SOON, TIM.

15

16 **COUNCIL PRESIDENT PEREZ:** THIS IS A PUBLIC HEARING ON THE
17 SPECIAL APPROPRIATION TO THE MONTGOMERY COUNTY PUBLIC SCHOOLS
18 FY05 CAPITAL BUDGET A.L.A.R.F. FOR THE PURCHASE OF LAND FOR
19 THE DOWN COUNTY CONSORTIUM ELEMENTARY SCHOOL NUMBER 29 IN THE
20 AMOUNT OF \$1.5 MILLION. THE ACTION IS TENTATIVELY SET FOR MAY
21 17TH, 2005. PERSONS WISHING TO SUBMIT ADDITIONAL INFORMATION
22 FOR THE COUNCIL' CONSIDERATION SHOULD DO SO BY THE CLOSE OF
23 BUSINESS MAY 11TH. THERE ARE NO WITNESSES FOR THIS HEARING AND
24 THAT CONCLUDES OUR PUBLIC HEARINGS. WE WILL NOW GO BACK TO THE
25 SOLID WASTE SERVICES, DEPARTMENT OF PUBLIC WORKS AND

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1 TRANSPORTATION, ARON TROMBKA, COME ON UP. OUR FRIENDS FROM --
2 OUR SOLID WASTE COLLEAGUES. ART BALMER, ALWAYS A PLEASURE TO
3 SEE YOU.

4

5 **SPEAKER:** AYE, CAPTAIN.

6

7 **COUNCIL PRESIDENT PEREZ:** AND ARON, WHY DON'T WE TURN IT OVER
8 TO YOU FOR NOW TO TAKE US THROUGH. AND YOU CAN GIVE THE
9 OBLIGATORY 30 SECONDS, THIS IS A CLOSED FUND.

10

11 **ARON TROMBKA:** CLOSED FUND. YOU'RE NOT GOING TO --

12

13 **COUNCIL PRESIDENT PEREZ:** THINK WE CAN GET TO THE CHARTER LIMIT
14 OR DO SOMETHING ELSE ANOTHER WAY, THIS IS NOT A FUND --

15

16 **COUNCILMEMBER FLOREEN:** COME BACK --

17

18 **COUNCIL PRESIDENT PEREZ:** THAT'S RIGHT. THIS IS A CLOSED FUND.

19

20 **COUNCILMEMBER ANDREWS:** WE'RE GOING TO FUND MONTROSE PARKWAY.

21 [OVERLAPPING VOICES]

22

23 **COUNCIL PRESIDENT PEREZ:** THAT'S RIGHT.

24

25 **ARON TROMBKA:** WELL, THEN MAYBE I CAN SKIP THAT PART

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1

2 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

3

4 **COUNCIL PRESIDENT PEREZ:** THANK YOU.

5

6 **ARON TROMBKA:** A COUPLE OF HOUSEKEEPING THINGS THAT YOU DID
7 YESTERDAY GET A CORRESPONDENCE FROM THE SOLID WASTE ADVISORY
8 COMMUNITY. THEIR INITIAL COMMENTS ARE INCLUDED IN THEIR PACKET.
9 THEIR SECONDARY COMMENTS, OR THEIR SUBSEQUENT COMMENTS HAVE
10 JUST BEEN DISTRIBUTED. SECONDLY, COUNCIL MEMBER FLOREEN HAS
11 ASKED STAFF TO GIVE A PIECE OF INFORMATION PRIOR TO EACH
12 PRESENTATION RELATING TO COMMITTEE RECOMMENDATION AS OPPOSED
13 TO THE FY05 APPROVED BUDGET. FOR THE RECORD IN SOLID WASTE
14 DISPOSAL FUND THE T&E RECOMMENDATION IS 2.2% BELOW WHAT WAS
15 APPROVED LAST YEAR. AND THE OTHER PART OF SOLID WASTE IS THEIR
16 COLLECTION FUND. THAT'S 1.8% ABOVE WHAT WAS APPROVED LAST YEAR.
17 SO THESE ARE THE NUMBERS THAT MS. FLOREEN HAD ASKED FOR.

18

19 **COUNCILMEMBER FLOREEN:** [SPEAKER NOT UNDERSTOOD]

20

21 **ARON TROMBKA:** RIGHT. ALL RIGHT, LET'S GO RIGHT INTO THE ISSUES
22 ON PAGE TWO OF THE PACKET. SOMETHING THE COUNCIL'S BEEN
23 TRACKING NOT ONLY THROUGH BUDGET BUT ALSO THROUGH THE RECENTLY
24 COMPLETED SOLID WASTE MASTER -- MANAGEMENT PLAN IS THE
25 ADEQUACY OF OUR FACILITIES. YOU'LL SEE THE TABLE ON PAGE TWO

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1 SHOWING THAT THE DEPARTMENT PROJECTS THAT THE RESOURCE
2 RECOVERY FACILITY WILL PROCESS ABOUT 620,000 TON IN FY05. I
3 REMIND THE COUNCIL THAT PERMIT LEVEL IS 657,000 TONS. FOR THE
4 UPCOMING YEAR, FOR FY06, THE EXECUTIVE'S BUDGET ASSUMES THAT
5 THE THROUGHPUT IN THE FACILITY WILL BE 645,000 TONS. THAT
6 EQUATES TO BE ABOUT 98.2% OF FACILITY'S CAPACITY. YOU'VE
7 DISCUSSED IN THE PAST AND WILL DISCUSS SHORTLY THE EFFECT OF
8 RECYCLING AND HOW THAT AFFECTS THE TONNAGE THAT HAS TO BE
9 DISPOSED. BUT THE OTHER FACTOR THAT AFFECTS THE TONNAGE
10 THROUGHPUT IS THE EXPORTATION OF WASTE WHERE PEOPLE BRING
11 THEIR WASTE. AND OF COURSE AS WE KNOW FROM DISCUSSIONS IN THE
12 SOLID WASTE PLAN, IF WE EVER EXCEED CAPACITY OF THE R.R.F.,
13 THE PLAN RECENTLY APPROVED BY THE COUNCIL WOULD BYPASS THAT
14 WASTE AND SEND IT TO A LANDFILL IN BRUNSWICK COUNTY, VIRGINIA.
15 SO, ON PAGE 4, THE ISSUE HERE IS WHETHER OR NOT YOU WANT TO
16 USE YOUR POWER OF PRICING, THE TIP FEE, TO REGULATE THE DEMAND
17 ON THE R.R.F. AND ON BOTTOM OF PAGE FOUR AND TOP OF PAGE FIVE
18 IN ITALICS IS THE LANGUAGE THAT YOU APPROVED JUST A COUPLE OF
19 MONTHS AGO AND IT WAS SUGGESTED BY THE EXECUTIVE. IN ESSENCE,
20 IT WAS TO USE THE PRICING POWER TO TRY TO REGULATE DEMAND TO
21 GET TO THE -- TO TRY TO KEEP THE CAPACITY OR THE DEMAND ON THE
22 R.R.F. BETWEEN 85 AND 92% OF PERMIT CAPACITY. AS PREVIOUSLY
23 MENTIONED, THE EXECUTIVE'S BUDGET ASSUMES A MUCH HIGHER AMOUNT,
24 98% OF CAPACITY. THAT BRINGS US TO THE QUESTION OF THE PRICE.
25 RIGHT NOW, A YEAR AGO, YOU APPROVED A \$52-PER-TON TIP FEE. THE

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1 EXECUTIVE'S RECOMMENDING RETAINING THAT TIP FEE. THAT IN TURN
2 RESULTS IN THEIR CRYSTAL BALLING. IT'S IMPOSSIBLE TO KNOW WITH
3 CERTAINTY BUT WITH ASSUMPTION THAT TONNAGES COULD BE UP TO 98%
4 OF CAPACITY. STAFF HAD RECOMMENDED THAT IN ORDER TO MEET THE
5 POLICY STATEMENT IN THE SOLID WASTE PLAN THAT YOU MIGHT WANT
6 TO CONSIDER A \$58-PER-TON TIP FEE AND ASSOCIATED CHANGES IN
7 THE BUDGET. THE T&E RECOMMENDATION WAS TO -- CONSISTENT WITH
8 EXECUTIVE'S RECOMMENDATION, NAMELY TO KEEP THE TIP FEE AT \$52
9 PER TON THE UNDER THE ASSUMPTION THAT THE FACILITY WOULD
10 OPERATE POSSIBLY AT 98% OF CAPACITY. AS YOU WILL REMEMBER,
11 ALSO LAST YEAR YOU ADOPTED NEW TIP FEE FOR WASTE DELIVERED IN
12 OPEN TOP, ROLL OFF CONTAINERS. THAT'S USUALLY CONSTRUCTION AND
13 DEMOLITION DEBRIS. YOU APPROVED THAT AT \$60 PER TON THE LAST
14 YEAR AND THE COMMITTEE IS RECOMMENDING RETAINING IT AT THAT
15 LEVEL. THAT'S JUST A BRIEF OVERVIEW OF THE ISSUE. IF THERE
16 AREN'T QUESTIONS I'LL GO FURTHER INTO THE BUDGET.

17
18 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER?

19
20 **COUNCILMEMBER PRAISNER:** THERE'S NO OPPORTUNITY LATER IN THE
21 YEAR TO CHANGE THE TIP FEE, IS THERE? OR --

22
23 **ARON TROMBKA:** IT'S MATTER OF DEBATE -- [OVERLAPPING VOICES]
24

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1 **ARON TROMBKA:** LET'S DO IT THIS WAY. WE ARE NOT RESTRICTED BY
2 LAW TO CHANGE IT ON BUDGET TIME. YOU CAN DO IT MID-YEAR. THE
3 EXECUTIVE, ACTUALLY, A YEAR AGO RECOMMENDED A MID-YEAR. IN
4 FACT, THE COUNCIL'S NEVER DONE THAT. IT IS A LOT EASIER TO DO,
5 BOTH IN TERM OF NOTIFICATION AND IN TERMS OF THE ISSUE OF THE
6 BILLS THAT GO OUT TO THE SINGLE-FAMILY HOUSEHOLDS WHERE THEY
7 PRE-PAY BASED ON THE TIP FEE. BUT I WOULD HAVE TO --

8

9 **COUNCILMEMBER PRAISNER:** THE COUNTY COLLECTION YOU MEAN OR THE
10 --

11

12 **ARON TROMBKA:** FOR RESIDENTS, THEY'RE JUST PART OF THEIR SOLID
13 WASTE FEE --

14

15 **COUNCILMEMBER PRAISNER:** MOST PRE-PAY FOR EITHER QUARTERLY OR
16 SEMIANNUALLY, THEY DON'T PAY ANNUALLY.

17

18 **ARON TROMBKA:** IF YOU LOOK ON PAGE 24 OF THE PACKET.

19

20 **COUNCILMEMBER PRAISNER:** OKAY.

21

22 **ARON TROMBKA:** THESE ARE THE RECOMMENDED CHARGES.

23

24 **COUNCILMEMBER PRAISNER:** PAGE 24?

25

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1 **ARON TROMBKA:** PAGE 24. NOT CIRCLE 24, PAGE 24 AT THE --

2

3 **COUNCILMEMBER PRAISNER:** OH, OKAY. YEAH, WELL I WANT TO TALK
4 ABOUT THAT WHEN WE GET TO THEM BECAUSE LOOKING AT A 30%
5 INCREASE IN THE BASE SYSTEM BENEFIT CHARGE.

6

7 **ARON TROMBKA:** AND WE'LL GET A CHANCE TO DISCUSS THAT, BUT THE
8 THIRD LINE THERE, THE DISPOSAL CHARGE, WHICH IS CURRENTLY
9 \$52.67 RECOMMENDED BY EXECUTIVES TO BE FOR THIS YEAR \$51.98,
10 THAT IS SOMETHING THAT IS A FUNCTION DIRECTLY OF THE TIP FEE.
11 AND SO IF YOU CHANGE THE TIP FEE MID-YEAR, THEN SOMEHOW YOU'RE
12 GOING TO HAVE TO ACCOUNT FOR THAT. BUT WHAT YOU DO IS YOU SEND
13 OUT BILLS -- AND REMEMBER, THIS ISN'T A PROPERTY TAX BUT IT
14 LOOKS --

15

16 **COUNCILMEMBER PRAISNER:** IT APPEARS ON THE BILL.

17

18 **ARON TROMBKA:** IT APPEARS ON THE BILL.

19

20 **COUNCILMEMBER PRAISNER:** WELL, I MEAN, IN READING THE COMMENTS,
21 I GUESS I'M NOT CLEAR. I UNDERSTAND WHERE THE COMMITTEE WOUND
22 UP FROM A STANDPOINT OF AGREEING WITH THE EXECUTIVE. I'M NOT
23 CLEAR I UNDERSTAND THE RATIONALE WITH THE EXECUTIVE BECAUSE I
24 THOUGHT, ARON, YOU MADE A VERY PERSUASIVE AGREEMENT. SO, I'M
25 TRYING TO UNDERSTAND WHY COMMITTEE AND THE EXECUTIVE AGREED

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1 WITH -- THE COMMITTEE AGREED WITH THE EXECUTIVE AND THE
2 EXECUTIVE'S POSITION.

3

4 **ARON TROMBKA:** LET ME FILL IN ONE COMMENT THAT MR. LEVENTHAL
5 HAD. THE DEPARTMENT PROVIDED AT THE T&E SESSION SOME HELPFUL
6 INFORMATION OF WHERE TRASH GOES IF IT DOESN'T GO THROUGH OUR
7 SYSTEM. AND ONE OF THE THINGS THAT BECAME EVIDENT IS THAT
8 OFTEN WASTE DISPOSED OUTSIDE OUR SYSTEM WILL ALSO END UP BEING
9 LANDFILLED ALSO OUT OF COUNTY. AT LEAST FOR MR. LEVENTHAL,
10 PART OF HIS THOUGHT PROCESS WAS THAT IF IT'S GOING TO END UP
11 LANDFILLED ANYWAYS, HE WAS LESS INTERESTED IN PLAYING WITH THE
12 PRICING TO SEND OUR WASTE TO PRIVATE --

13

14 **COUNCILMEMBER PRAISNER:** BUT IF WE GET TO A POINT WHERE THE
15 WASTE COLLECTED IS GREATER THAN THE CAPACITY OF THE
16 INCINERATOR TO PROCESS THAT WASTE, THE REALITY IS YOU'RE
17 REDIRECTING IT TO A LANDFILL ANYWAY. SO, EITHER WAY, IT ENDS
18 UP IN A LANDFILL. THE QUESTION IS, ARE WE FISCALLY MANAGING
19 THE SYSTEM AND THE IMPLICATIONS FOR THE R.R.F.? AND THAT'S, I
20 THOUGHT, WHERE YOU WERE COMING OUT WITH A CONCERN.

21

22 **ARON TROMBKA:** THAT WAS A STAFF RECOMMENDATION AND ALSO TO BE
23 CONSISTENT WITH THE POLICY THAT YOU APPROVED JUST TWO MONTHS
24 AGO. THAT WAS FOUNDED IN THAT VERY PREMISE, MRS. PRAISNER.

25

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1 **COUNCILMEMBER PRAISNER:** I MEAN, WE CAN DENY THAT, OR WE CAN
2 SAY THAT WE'RE NOT SENDING WASTE TO A LANDFILL DIRECTLY, BUT
3 INDIRECTLY -- IF INDIRECTLY IT IS MORE ACCEPTABLE THAN
4 DIRECTLY, THE REALITY IS THE R.R.F. AND ITS CAPACITY IS WHERE
5 YOU START, THEN YOU BACK UP FROM THAT, IT SEEMS TO ME.

6

7 **ARON TROMBKA:** I'LL JUST FINISH UP WITH STAFF RECOMMENDATIONS.
8 THE OTHER REASON WHY I TOOK THAT APPROACH, MRS. PRAISNER, WAS
9 NOT ONLY FROM COST SIDE BUT ALSO FROM LIABILITY SIDE, THAT
10 IT'S MORE TONS GOING UNBURNED WITH OUR NAME ON IT TO THE
11 LANDFILL. AND SO ON SORT OF FROM THE CRADLE-TO-GRAVE PROSPECT
12 WE MIGHT WANT TO TRY TO AVOID OUT OF COUNTY HAUL OF
13 UNPROCESSED TRASH -- UNBURNED TRASH. I WANT TO GIVE THE
14 EXECUTIVE AN OPPORTUNITY TO --

15

16 **COUNCIL PRESIDENT PEREZ:** YEAH. MY RECOLLECTION WAS THE 645,000
17 TON ESTIMATE BUILT IN A SIGNIFICANT CUSHION --

18

19 **ARON TROMBKA:** ABOUT 20,000 TONS.

20

21 **COUNCIL PRESIDENT PEREZ:** 20,000 TONS. I MEAN SO YOUR ACTUAL
22 ESTIMATE OF WHAT YOU EXPECT IN '06 IS ROUGHLY 625,000?

23

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1 **ARON TROMBKA:** 621. THAT'S A ROUGH -- THAT'S OUR BEST GUESS AT
2 THIS POINT. WITH THE ADDED MONTHS THAT WE'VE HAD, WE ARE NEAR
3 THE END OF THE FISCAL YEAR.

4

5 **COUNCIL PRESIDENT PEREZ:** OKAY.

6

7 **ARON TROMBKA:** AND THE CONCEPT IS THAT THERE'S THIS 158,000
8 TONS THAT COULD GO EITHER WAY.

9

10 **SPEAKER:** THEY HAVE A RATE MODEL. THEY PUT NUMBERS IN TO
11 DETERMINE RATES AND THE TONNAGES FOR ALL BUDGETS OF THE
12 DIFFERENT FACILITIES. AGAIN, AS MR. DAVIDSON SAID, THEIR SORT
13 OF BEST GUESS IS PROBABLY A LITTLE LOWER THAN 98%. BUT WHAT
14 THEY'RE BUDGETING FOR IN THEIR RATE MODEL ASSUMES SOME OF THIS
15 -- SOME OF THE UNPREDICTABILITY, WHICH GETS YOU TO 98% AND
16 LEAVES YOU JUST A SMALL CUSHION BUT IT IS ALL BASED ON THE
17 98,000 --

18

19 **COUNCIL PRESIDENT PEREZ:** I FRANKLY STARTED OUT ASKING THE
20 IDENTICAL QUESTION AS MS. PRAISNER BECAUSE I WAS CONCERNED
21 THAT WE WERE DANGEROUSLY CLOSE TO THE TIPPING POINT, PUN
22 INTENDED. AND BY THE END OF THE PRESENTATION I WAS, ESPECIALLY
23 GIVEN THAT CUSHION, I WAS PERSUADED THAT WE WERE COMFORTABLY -
24 - WELL, THAT THIS -- I WAS COMFORTABLE WITH THE NUMBER. A
25 COUPLE OTHER THINGS THAT WILL BE HAPPENING. THE FACILITY IN

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1 CLARKSBURG IS NOT FULLY RUNNING YET. THAT WILL BE IN PLACE
2 DURING '06 AND I BELIEVE IT WILL BE -- CORRECT ME IF I'M WRONG.
3 THEY DON'T CURRENTLY ACCEPT C&D FROM OTHER PEOPLE BUT THAT YOU
4 THAT YOU EXPECT TO CHANGE DURING THE FISCAL YEAR.

5

6 **ARON TROMBKA:** YEAH, THEY'VE TOLD US AS RECENTLY AS ABOUT A
7 WEEK AND A HALF AGO, THEY TOLD US THAT THEY ANTICIPATE VERY
8 SOON OPENING UP TO OTHER ENTITIES. BUT AS SOON AS THEY STARTED
9 IN DECEMBER THEY STARTED AND IMMEDIATELY THEIR TONNAGE TO US
10 DROPPED, WHICH WAS ABOUT 50,000 TONS A YEAR MATERIAL, WHICH IS
11 NOW GONE FROM THE FACILITY, FROM US. SO WITH RESPECT TO THE
12 OPEN-TOP ROLL-OFF TONS WE EXPECT TO SEE A LOT LESS THIS YEAR.

13

14 **COUNCIL PRESIDENT PEREZ:** I MEAN WE'RE ARE ALL SORT OF, YOU
15 KNOW, THROWING DARTS AT A BOARD HERE. SO, I THINK REASONABLE
16 PEOPLE CAN COME TO DIFFERENT CONCLUSIONS ON WHAT THE PROPER
17 TIP FEE IS. THOSE WERE SOME FACTORS THAT TIPPED THE BALANCE
18 FOR ME.

19

20 **ARON TROMBKA:** AS WE DID, CONTINUE, WE CAN FINISH THE PACKET
21 AND THE LAST THING IS VOTE ON THE RATES. AND SO MAYBE WE
22 SHOULD DO THAT AT THE END IF THAT'S OKAY. MAY I PROCEED? THE
23 RECYCLING INFORMATION IS ON PAGE 7. YOU'LL NOTICE THE
24 PROJECTED RECYCLING RATES. THE ONE THING THAT STANDS OUT IS
25 THE PROJECTED GROWTH IN THE SINGLE-FAMILY RECYCLING RATES.

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1 THAT IN LARGE PART IS THE RESULT OF COUNCIL'S DECISION LAST
2 YEAR TO ROLL OUT THE CARTS FOR THE MIXED-PAPER RECYCLING. YOU
3 CAN SEE THOSE -- YOU CAN SEE THE EFFECT IN THE NUMBERS ON PAGE
4 SEVEN. YOU ALSO RECENTLY APPROVED SOME RECYCLING REGULATIONS.
5 I WON'T GO THROUGH THE DETAILS NOW BUT THEIR IMPLEMENTATION
6 PLAN IS DESCRIBED IN THE PACKET. ON PAGE EIGHT THERE IS A
7 BUDGET IMPLICATION TO THIS, WHICH IS YOU RECENTLY APPROVED THE
8 REGULATION THAT WILL ENFORCE THE BAN ON THE DISPOSAL OF
9 RECYCLABLES AT THE COUNTY'S TRANSFER STATION. WHEN YOU
10 DISCUSSED THAT THE DEPARTMENT WAS VERY CLEAR THAT IF THE BAN
11 GOES INTO EFFECT THEY'RE GOING TO NEED PERSONNEL TO ENFORCE
12 THAT. THOSE TWO PERSONNEL APPEAR ON PAGE 8 AND APPEAR IN THE
13 EXECUTIVE'S BUDGET. THE T&E COMMITTEE RECOMMENDED APPROVAL OF
14 THOSE POSITIONS. THE NEXT ITEM TO DISCUSS IS THE RECYCLING
15 PROMOTION PROGRAM. YOU'LL SEE THE OVERVIEW OF THE NUMBERS ON
16 PAGE NINE. VERY BRIEFLY, IN THE LARGE CATEGORIES ON THE BOTTOM
17 OF PAGE NINE THERE'S ABOUT \$207,000 IN FUNDING FOR THEIR
18 GENERAL OUTREACH PROGRAM. THE EXECUTIVE ALSO RECOMMENDS ABOUT
19 \$220,000 TO PRODUCE A RECYCLING CALENDAR AND THEIR
20 JUSTIFICATION APPEARS IN THE ITALICS ON PAGE 10. YOU'VE ALSO
21 RECEIVED COMMENTS FROM S.W.A.C. BOTH PREVIOUSLY AND WHAT I
22 JUST HANDED OUT ABOUT THE CALENDAR AND THEIR OPINION. IF YOU
23 ARE INTERESTED, I HAVE IN THE PACKET A HISTORY OF WHERE THE
24 CALENDARS WERE PREVIOUSLY IN BUDGET AND I'VE BROUGHT SAMPLES
25 IF ANY COUNCIL MEMBERS ARE INTERESTED IN SEEING WHAT THE

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1 PREVIOUS VERSIONS LOOK LIKE. THE T&E COMMITTEE VOTED NOT TO
2 FUND THIS AND TO REDUCE THE EXECUTIVE'S BUDGET BY THE \$220,370
3 FOR THE -- THAT WAS PROPOSED FOR THE CALENDARS.

4

5 **COUNCIL PRESIDENT PEREZ:** OKAY. MR. SILVERMAN?

6

7 **COUNCILMEMBER SILVERMAN:** I JUST HAVE TO ASK. SO WHAT PART OF
8 THE "WE DIDN'T THINK IT WAS A GOOD IDEA A FEW YEARS AGO" DID
9 YOU ALL NOT GET? DO YOU HAVE SOME BELIEF THAT THIS WAS
10 ACTUALLY GOING TO IMPACT RECYCLING RATES? AND WHY DIDN'T YOU
11 SUGGEST PUTTING THAT MONEY INTO ALTERNATIVE MEANS OF OUTREACH?
12 DO YOU WANT TO TAKE A STAB AT THAT? IT'S NOT LIKE WE DIDN'T
13 HAVE A BIG DISCUSSION ABOUT THIS A FEW YEARS AGO. I MYSELF
14 RECYCLED MY RECYCLING CALENDAR -- [OVERLAPPING VOICES]

15

16 **JIM:** AS A LATE-COMER, I WAS NOT AROUND WHEN-

17

18 **COUNCILMEMBER SILVERMAN:** NO, YOU WERE NOT, JIM.

19

20 **JIM:** BUT THAT DOES NOT TAKE ME OFF THE HOOK. WHEN I WAS TOLD
21 ABOUT THE CALENDAR I WAS TOLD ABOUT A NUMBER OF THINGS THAT
22 THEY COULD PROVIDE, SUCH THINGS AS THE SCHEDULES, A CHANGE IN
23 SCHEDULES, CHANGES AND THINGS OF THAT NATURE AND THAT THE
24 CALENDAR WAS WELL-RECEIVED WHEN THEY HAD IT. SO THAT'S WHY I
25 SUPPORTED A CALENDAR.

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1

2 **COUNCILMEMBER SILVERMAN:** WELL, I GUESS I'M ASKING WHETHER YOU
3 HAVE DATA TO SUGGEST THAT IT HAD ANY IMPACT ON RECYCLING RATE
4 IN MONTGOMERY COUNTY, WHICH IS WHAT I ASSUME OUTREACH EFFORTS
5 ARE ALL ABOUT. OTHERWISE, WHY DO THEM?

6

7 **SPEAKER:** ACTUALLY I THINK IT IS PROBABLY BETTER FOR DAVE TO
8 ADDRESS THIS QUESTION. BUT WE HAD QUITE A NUMBER OF
9 CORRESPONDENCE AFTER WE HAD INITIATED THE CALENDARS. AND THERE
10 WERE QUITE A NUMBER OF FOLKS WHO REALLY, REALLY FOUND THAT
11 INFORMATION VERY EDUCATIONAL. ON THE CONVERSE, ON THE FLIP
12 SIDE, WHAT WE HAVE FOUND IN THE PAST COUPLE OF YEARS SINCE
13 OUTREACH AND EDUCATION FOR THE SINGLE-FAMILY CURBSIDE
14 COLLECTION PROGRAM AND THE CALENDAR THAT'S PROPOSED -- THAT
15 HAD BEEN PROPOSED WAS AN INITIATIVE PROPOSED BY THE COLLECTION
16 SECTION. IF YOU WANT TO TALK ABOUT THIS --

17

18 **SPEAKER:** IN THE PAST COUPLE OF YEARS WE'VE BEEN TRYING TO
19 MEASURE THE RESPONSE OF OUR RESIDENTS TO OUR OUTREACH. WE FIND
20 AN AWFUL LOT OF PEOPLE -- WE GET 300 TO 400 CALL A DAY --
21 AREN'T AWARE OF VERY BASIC PARTS OF OUR PROGRAM, INCLUDING
22 THINGS LIKE SCRAP METAL AND REMOVAL OF REFRIGERATORS, THINGS
23 LIKE THAT. WHAT WE TRIED TO DO LAST YEAR WAS WE SENT OUT SOME
24 8-BY-10 CARDS TO RESIDENTS. AND WE FOUND WE WERE ABLE TO
25 MEASURE A RESULT. WE WERE ABLE TO GET 50% INCREASE IN

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1 RECYCLING OF SCRAP METAL, FOR INSTANCE, IN THE MONTH FOLLOWING
2 THOSE CARDS GOING OUT. THOSE CARDS COST US TO PRINT, AND
3 PRIMARILY TO SEND OUT, TWO TIMES COST US A LITTLE MORE THAN WE
4 THOUGHT WE COULD PRODUCE AND SEND OUT A CALENDAR THAT HAD A
5 LOT MORE INFORMATION IN IT. 55 CENTS ESSENTIALLY FOR THE COST
6 OF THE CALENDAR. WE HAVE HAD A VERY STRONG EMPHASIS ON THE WEB
7 AND WE BELIEVE IN A FEW YEARS THAT MOST OF THE COUNTY
8 RESIDENTS WILL BE USING OUR WEBSITE BUT A WHOLE LOT OF THEM
9 ARE NOT NOW. SO WHAT WE WERE LOOKING AT IS A WAY TO REACH A
10 RESIDENCE. AND THE TRADITIONAL METHODS OF SENDING OUT SOME
11 FLYERS OR SOME OTHER INFORMATION, WE'RE NOT HAVING AN EXTENDED
12 IMPACT. THE WEBSITE WAS NOT HAVING A STRONG IMPACT. AND YET
13 THIS IS AN ITEM WHERE IF WE INCREASE THE LEVEL OF RECYCLING,
14 THE CONTRACTORS DON'T CHARGE US ANY MORE FOR PICKING UP. MORE
15 RECYCLES OR NOT, IT'S A FIXED COST PER HOUSE PER MONTH.
16 THERE'S SOME GOOD ECONOMIES OF SCALE AT OUR RECYCLING CENTER
17 AND WE KNOW FROM MEASUREMENTS OF OUR WASTE STREAM, WHICH WE
18 HAVE DONE DURING THE PAST YEAR, DURING OUR SEASONAL ANALYSES
19 WHICH YOU WILL SEE IN A MONTH OR SO, THAT THERE IS A
20 SUBSTANTIAL AMOUNT, TENS OF THOUSANDS OF TONS OF PAPER
21 PRODUCTS, PARTICULARLY STILL IN THE SINGLE-FAMILY RESIDENTIAL
22 WASTE STREAM. THERE IS A -- ALMOST 52% RECYCLING IN SINGLE
23 FAMILY WASTE STREAM BUT STILL SUBSTANTIAL AMOUNT OF PAPER OUT
24 THERE. WE STILL HAVE SUBSTANTIAL NUMBERS OF PEOPLE THAT DON'T
25 KNOW WHAT PROGRAMS WE'RE OFFERING THEM. AND WE WANTED

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1 SOMETHING WHERE IT WOULD BE IN FRONT OF THEM FOR AS LONG AS
2 POSSIBLE, THAT THERE'S DIFFERENT ISSUES AT DIFFERENT SEASONS.
3 FOR INSTANCE, WE HAVE AN ISSUE THIS WINTER, WHICH COULD BE A
4 SUBSTANTIAL ISSUE, WHICH IS THAT CHRISTMAS AND NEW YEARS FALL
5 ON A SUNDAY BUT THE FEDERAL HOLIDAY FALLS ON A MONDAY. WE'RE
6 VERY CONCERNED THAT A LOT OF RESIDENTS ARE GOING TO BE NOT
7 SETTING OUT THEIR MATERIALS ON MONDAY AND YET IT'S A BUSY TIME
8 OF THE YEAR SO IT'S VERY HARD TO CATCH UP IF YOU GET BEHIND
9 DURING THOSE TWO WEEKS. WE WANTED TO USE THE CALENDAR TO
10 NOTIFY THEM ABOUT THAT. WE WANTED TO USE IT TO NOTIFY THEM
11 ABOUT THE SERVICES, WHICH MANY OF THEM DON'T UNDERSTAND. AND
12 WE ALSO WANTED SOMETHING AT THE END OF THE YEAR THAT THEY
13 WOULD RECYCLE BECAUSE WE HAD GIVEN OUT A LARGE BROCHURE AT ONE
14 POINT THAT WAS VERY COMPREHENSIVE. IT'S BEEN EIGHT OR NINE
15 YEARS. SOME PEOPLE STILL HAVE IT. WE HAD SOMEONE CALL US THE
16 OTHER DAY AND WERE VERY ANGRY BECAUSE THEY COULDN'T REACH US.
17 IT HAD THE OLD PHONE NUMBER. NOT THE 240 BUT THE OLD ONE. SO
18 WHEN WE GIVEN OUT STUFF, WE WANT IT WHERE IT CAN BE CHANGED.
19 WE BELIEVE WE CAN DO THAT EVENTUALLY WITH THE WEB BUT WE'RE
20 TRYING TO HAVE A BRIDGE, SOME SORT OF USER'S GUIDE. AND IT'S A
21 BIT OF OUT OF FRUSTRATION. WE WERE TRYING OTHER METHODS AND
22 THE OTHER METHODS, WHEN WE MEASURED THEM, JUST WEREN'T WORKING
23 TO OUR SATISFACTION. AND YET AT THE SAME TIME WE RECOGNIZE
24 THAT WHEN YOU GIVE OUT SOMETHING LIKE A CALENDAR IT'S GOING TO
25 PROBABLY BE A FAIRLY HIGH-QUALITY PROJECT IF THE COUNCIL WERE

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1 TO AGREE TO IT, THAT SOME RESIDENT ARE GOING TO FEEL THAT THIS
2 IS SOMETHING VERY EXPENSIVE, BUT IT'S NOT VERY EXPENSIVE. IT'S
3 SOMETHING WE COULD MAKE CLEAR THAT IT IS ON THE ORDER OF 55
4 CENTS TO GIVE IT OUT.

5

6 **COUNCILMEMBER SILVERMAN:** WELL, I WASN'T ACTUALLY HAVING A
7 PROBLEM WITH THE COST ASSOCIATED WITH IT. I WAS REALLY TRYING
8 TO UNDERSTAND WHETHER YOU ALL HAVE DISCUSSED WITH THE
9 MARKETING FOLKS IN OUR COUNTY WHETHER IT'S GOOD USE OF DOLLARS.
10 IF YOU'RE TELLING ME YOU SENT OUT POST CARDS AND YOU GOT A
11 DESCENT RESPONSE FOR THAT, I'M JUST SIMPLY ASKING WHETHER
12 THERE'S ANYTHING THAT SUGGESTS THAT SENDING A FEW HUNDRED
13 THOUSAND PEOPLE A CALENDAR IS GOING TO PRODUCE THE RESULTS
14 THAT YOU WANT AS OPPOSED TO ANY OTHER MARKETING METHODS.

15

16 **SPEAKER:** WE'VE TRIED THE OTHER METHODS AND THEY HAD SHORTFALLS.
17 THIS IS A STAFF-DRIVEN THING. THE FOLKS THAT ARE KEYED IN
18 CLOSEST TO OUR CUSTOMERS, THE FOLKS IN OUR CUSTOMER SERVICE,
19 THE PERSON RUNNING OUR WEBSITE, PEOPLE THAT ARE RECEIVING THE
20 E-MAILS ARE FEELING A LEVEL OF FRUSTRATION AND THIS IS AN
21 EFFORT TO TRY AND ADDRESS WHAT SEEMS TO BE MISSING ON THE
22 OTHER THINGS.

23

24 **COUNCILMEMBER SILVERMAN:** DO WE HAVE A MARKETING CONTRACT? DOES
25 SOLID WASTE HAVE A MARKETING CONTRACT?

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2 **SPEAKER:** YEAH, WE HAVE A CONTRACT THAT INCORPORATES FIVE
3 DIFFERENT P.R. MARKETING TYPE FIRMS THAT WE --

4

5 **COUNCILMEMBER SILVERMAN:** FIVE FIRMS?

6

7 **SPEAKER:** IT'S -- THEY'RE FIVE PRE-APPROVED AND EVERY TASK GOES
8 ALL FIVE AND THEY'RE BID OUT.

9

10 **COUNCILMEMBER SILVERMAN:** OKAY, ALL RIGHT. RIGHT.

11

12 **COUNCILMEMBER SUBIN:** IT'S A PRE-APPROVED SHORT LIST.

13

14 **COUNCILMEMBER SILVERMAN:** AND WHEN WAS THE LAST TIME THE
15 DEPARTMENT HAD AN EVALUATION OF ITS MARKETING STRATEGY OR
16 SOMETHING LIKE OUR DEPARTMENT OF ECONOMIC DEVELOPMENT DOES,
17 WHICH IS TO SAY LET'S DEVELOP A MARKETING STRATEGY AND WE'LL
18 PUT IT OUT TO THREE OR FOUR FOLKS?

19

20 **SPEAKER:** THE LAST TIME WE COMPREHENSIVELY LOOKED AT THE ENTIRE
21 MARKETING STRATEGY, IT'S BEEN -- IT'S BEEN A FEW YEARS. IT
22 TAKES -- BUT ON THE OTHER HAND IT TAKES A FEW YEARS TO
23 IMPLEMENT THE FINDINGS WHEN WE DO LOOK AT THE STRATEGY AND
24 WE'RE STILL IN THE PROCESS OF DOING THAT. [SPEAKER NOT
25 UNDERSTOOD]

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1

2 **COUNCILMEMBER SILVERMAN:** I'M A BIG FAN.

3

4 **SPEAKER:** I CAN ADD, WE DO KEEP RECORDS. WE ASK CUSTOMERS
5 CERTAIN THINGS ABOUT WHAT THEY KNOW ABOUT OUR SYSTEM AND WE DO
6 GET THAT SORT OF FEEDBACK, A DOCUMENTED FEEDBACK. AND THAT WAS
7 WHERE WE WERE REALIZING SO MANY PEOPLE DIDN'T KNOW ABOUT VERY
8 BASIC THINGS THAT WE WERE OFFERING TO THEM.

9

10 **COUNCILMEMBER SILVERMAN:** OKAY, THANK YOU.

11

12 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER?

13

14 **COUNCILMEMBER PRAISNER:** WELL ACTUALLY, I HAD SIMILAR QUESTIONS
15 TO MR. SILVERMAN'S BUT ALSO FROM A STANDPOINT OF THE VALUE OF
16 A CALENDAR, I THINK THE -- I'VE HAD THE SAME QUESTIONS ABOUT A
17 VARIETY OF CALENDARS, WHICH COUNTY GOVERNMENT IN DIFFERENT
18 PROGRAMS HAVE CROSSED MY DESK OR MY MAIL -- COME THROUGH MY
19 MAILBOX OR COME THROUGH OTHER ACQUISITION WHICH LEADS ME TO
20 THINK, HAVING SEEN A VARIETY OF COMMUNITIES THAT DO USE AN
21 OFFICIAL KIND OF GOVERNMENT CALENDAR TO CONVEY INFORMATION,
22 THAT RATHER THAN HAVE FOUR OR FIVE INITIATIVES IN HEALTH AND
23 HUMAN SERVICES AND COUNTY GOVERNMENT AND OTHER PROJECTS THAT
24 IF THERE IS AN INTEREST IN A GOVERNMENT CALENDAR THAT CONVEYS
25 THE SPECIFIC INFORMATION THAT HAS SOME MONTH-RELATED OR

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1 SEASONAL-RELATED ISSUES, IT SEEMS TO ME THAT THE ISSUE IS MORE
2 A PUBLIC INFORMATION OFFICE DISCUSSION OR SHOULD BE ONE WITH
3 THE PUBLIC INFORMATION OFFICE, AND THEN RELATED TO HOW DOES
4 THE COUNTY CONVEY IMPORTANT INFORMATION TO FOLKS. BUT GIVEN
5 THE NUMBER OF CALENDARS THAT ALSO CROSS MY THRESHOLD, FROM
6 UNSOLICITED AND OTHERWISE, MOST OF HAVE CONTRIBUTED TO THE
7 RECYCLING INITIATIVES COMING OUT OF THE PRAISNER HOUSEHOLD. SO,
8 I THINK I AGREE WITH THE COMMITTEE FROM A STANDPOINT OF THE
9 NEED TO LOOK AT MARKETING INFORMATION. AND THE ISSUE IS ONE OF
10 WHAT PEOPLE RETAIN LONG-TERM VERSUS WHAT THEY WOULD KEEP
11 SHORT-TERM. AND ALSO, I THINK, UNFORTUNATELY AN INCREASING
12 PUBLIC ASSUMPTION THAT RATHER THAN GETTING THE INFORMATION OR
13 RETAINING INFORMATION, THEY WANT IT INSTANTLY FROM SOMEBODY
14 RIGHT AWAY RATHER THAN -- RATHER THAN KEEPING IT OR LEARNING
15 FROM IT. AND I SEE THAT IN LOTS OF E-MAIL SYSTEMS, WHERE FOLKS
16 ARE ASKING THE SAME QUESTIONS, SUCH AS WHAT'S THE PAY SCHEDULE
17 FOR ME AS AN EMPLOYEE, WHEN YOU SHOULD BE ABLE TO REMEMBER
18 THAT OR KNOW SOMEPLACE TO GO GET IT WITHOUT ASKING SOMEBODY TO
19 GIVE YOU THE ANSWER RIGHT AWAY. SO I THINK THE ISSUE OF
20 CONVEYING INFORMATION FROM GOVERNMENT AND HOW YOU GET THROUGH
21 THAT SHORT-TERM VERSUS LONG-TERM RETENTION ISSUES ARE MORE
22 GLOBAL THAN THIS RECYCLING INITIATIVE AND PROBABLY SHOULD BE
23 LOOKED AT IN THE BROADER SENSE.

24

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1 **SPEAKER:** IN JUNE WE ARE SCHEDULED TO DO FOCUS GROUP RESEARCH
2 AND RESEARCH ON OUR STRATEGIES TO UPDATE AND TAKE A LOOK AT
3 WHAT WE ARE IMPLEMENTING, WHETHER OR NOT WHAT WE ARE
4 IMPLEMENTING IS THE MOST APPROPRIATE AND BEST OPTIONS FOR
5 FOLKS SO WE'LL BE DOING A SERIES OF -- OVER THE COURSE OF FOUR
6 DIFFERENT DAYS -- I THINK EIGHT DIFFERENT FOCUS GROUP SESSIONS.

7

8 **COUNCILMEMBER PRAISNER:** PERHAPS THERE IS SOME WAY OF BUILDING
9 ON THAT, PIGGY-BACKING FROM A GENERIC GOVERNMENT OF DELIVERY
10 QUESTION RATHER THAN IN ADDITION TO WHAT YOU KNOW ABOUT
11 RECYCLING TO UNDERSTAND AND MAYBE IN CONSULTATION WITH THE
12 PUBLIC INFORMATION OFFICE OR WITH ANY OTHER FOLKS WHO ARE ON A
13 REGULAR BASIS DOING A DISTRIBUTION OR USING CALENDARS OR
14 WHATEVER IT MIGHT BE. SEEMS TO ME THAT WE NEED TO EXAMINE THIS
15 COMPREHENSIVELY AND LOOK AT WHAT THE BEST WAY OF -- AND IT MAY
16 BE DIFFERENT INFORMATION, DIFFERENT TYPES OF INFORMATION GETS
17 DELIVERED DIFFERENTLY BUT IF YOU'RE GOING TO DO SOME FOCUS
18 THERE MAY BE A COUPLE OF QUESTIONS THAT COULD BE ADDED TO THAT
19 PROCESS THAT WOULD RESPOND IN A BROADER SENSE AND WOULD HELP
20 US IN THE BROADER SENSE. SO I'D LIKE TO FOLLOW UP WITH YOU ON
21 THAT.

22

23 **SPEAKER:** CONTINUE?

24

25 **COUNCIL PRESIDENT PEREZ:** YES.

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1

2 **SPEAKER:** ALL RIGHT. LET'S GO TO PAGE 12, THEN. YOU'LL SEE THE
3 BUDGET, THE \$273,000 BUDGET FOR OUTREACH TO MULTI-FAMILY. I
4 WON'T GO THROUGH THE BULLETS OF WHAT THE PLAN IS. THE T&E
5 RECOMMENDED APPROVAL OF THAT FUNDING. FOR THE COMMERCIAL
6 RECYCLING, ON THE BOTTOM OF PAGE 12, THE NUMBER IS AROUND
7 \$600,000. AGAIN, THE ITEMS ARE LISTED IN BULLET FORM AND T&E
8 RECOMMENDED APPROVAL OF THAT ELEMENT OF THE BUDGET ALSO. JUST
9 AN UPDATE. WHEN YOU DID LOOK AT THE SOLID WASTE MANAGEMENT
10 PLAN AND YOU LOOKED AT COMMERCIAL RECYCLING YOU WERE ALSO
11 INTERESTED IN THE DEPARTMENT PRESUMED A FEASIBILITY STUDY TO
12 LOOK AT ALTERNATIVE, COOPERATIVE METHODS OF RECYCLING. AND WE
13 SHOULD BE GETTING THE RESULTS OF THAT IN A COUPLE OF MONTHS
14 FROM THE DEPARTMENT. SO, SKIPPING THEN TO PAGE 15, YOU'LL SEE
15 THE SUMMARY OF THE T&E COMMITTEE RECOMMENDATION --

16

17 **COUNCIL PRESIDENT PEREZ:** MR. SILVERMAN HAD A QUESTION.

18

19 **COUNCILMEMBER SILVERMAN:** I'M SORRY. ARE YOU SAYING SOMETIME IN
20 THE NEXT COUPLE MONTHS OR SO THERE'S GOING -- IS THAT WHAT
21 EILEEN WAS TALKING ABOUT? THERE'S GOING TO BE SOME --

22

23 **SPEAKER:** WELL, THERE ARE TWO THINGS THAT WE'RE WAITING FOR.
24 ONE IS THE RESULTS OF THIS WASTE COMPOSITION STUDY THAT WILL
25 TELL WHAT'S IN THE TRASH AND WHAT'S POTENTIALLY RECYCLABLE

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1 FROM THE TRASH. THAT'S DUE IN JULY TIMEFRAME. ALSO IN THE JULY
2 TIMEFRAME, THE T&E COMMITTEE, IN PARTICULAR AND THE COUNCIL
3 ALSO, HAD EXPRESSED AN INTEREST OF WHETHER OR NOT THERE WERE
4 WAYS OF THE COUNTY ASSISTING IN THE COLLECTION OF RECYCLABLES
5 FROM THE COMMERCIAL AND MULTI-FAMILY SECTOR IN ORDER TO GET A
6 GREATER CAPTURE RATE AND THEY'RE DOING A FEASIBILITY STUDY.
7 THAT'S ALSO DUE IN THE JULY TIMEFRAME.

8

9 **COUNCILMEMBER SILVERMAN:** OKAY. ARE THERE ANY -- I COULDN'T
10 FIND THIS IN HERE SO MAYBE SOMEONE CAN TELL ME. ARE THERE ANY
11 ADDITIONAL DOLLARS THIS YEAR OVER LAST YEAR IN THE COMMERCIAL
12 RECYCLING PROGRAM?

13

14 **SPEAKER:** THE ANSWER TO THAT IS ON PAGE NINE.

15

16 **COUNCILMEMBER SILVERMAN:** PAGE NINE.

17

18 **SPEAKER:** NINE, IN THE TABLE, COMMERCIAL IS ALSO NONRESIDENTIAL
19 SO THERE ARE A FEW, 13,000 --

20

21 **COUNCILMEMBER SILVERMAN:** ARE YOU WAITING FOR THE RESULTS OF
22 THIS EVALUATION?

23

24 **SPEAKER:** YES, THE FEASIBILITY STUDY. WE ARE WORKING TO GET
25 THAT TO A FINAL PHASE IN THE STUDY AND WE'RE AWAITING THE

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1 ANALYSIS OF THE INFORMATION TO SEE WHETHER OR NOT WE SHOULD
2 MOVE FORWARD AND, IF SO, PART OF THE FEASIBILITY STUDY IS ALSO
3 TO LOOK AT WHAT WOULD BE NECESSARY TO IMPLEMENT AND WHAT THOSE
4 ASSOCIATED COSTS MIGHT BE.

5

6 **COUNCIL PRESIDENT PEREZ:** WAIT. BEFORE YOU -- I AM REMINDED
7 THAT WE NEED TO MAKE SURE THAT PEOPLE IDENTIFY THEMSELVES FOR
8 THE RECORD BECAUSE WE NOW HAVE A NEW CLOSED CAPTIONING SYSTEM
9 THAT ALLOWS PEOPLE AT HOME TO GET ON THE WEB AND WATCH WHAT
10 WE'RE DOING AT THEIR LEISURE -- OR AT THEIR -- IF THEY'RE
11 LOOKING FOR -- WELL, I WON'T MENTION. [LAUGHTER]

12

13 **COUNCIL PRESIDENT PEREZ:** THEY COULD DO WHATEVER THEY WANT WITH
14 IT. SO, IF YOU COULD IDENTIFY YOURSELF, THAT WOULD BE GREAT
15 EILEEN.

16

17 **EILEEN KAO:** SURE. FOR THE RECORD MY NAME IS EILEEN KAO.

18

19 **COUNCIL PRESIDENT PEREZ:** GREAT. SORRY.

20

21 **COUNCILMEMBER SILVERMAN:** I JUST WANT TO UNDERSTAND. WHEN DID
22 THE -- WHO'S DOING THE EVALUATION ON THE COMMERCIAL RECYCLING
23 OUTREACH STUDY, EVALUATION, WHAT DO YOU WANT TO CALL IT?

24

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1 **EILEEN KAO:** THERE ARE TWO SEPARATE -- YOUR ORIGINAL QUESTION,
2 THERE ARE TWO SEPARATE THINGS WE'VE BEEN TALKING ABOUT OVER
3 THE LAST FEW MINUTES. THE FOCUS GROUP RESEARCH TO LOOK AT THE
4 STRATEGIES IS A SEPARATE ITEM. WE HAVE IT PLANED TO CONDUCT IN
5 THE MONTH OF JUNE. THE FEASIBILITY STUDY THAT WE'RE TALKING
6 ABOUT TO LOOK AT WHETHER OR NOT WE SHOULD PURSUE ALTERNATIVE
7 METHODS OF COLLECTION FOR THE MULTI-FAMILY AND COMMERCIAL
8 SECTOR IS A DIFFERENT STUDY. IT'S BEEN UNDERWAY FOR QUITE SOME
9 TIME. WE'RE DOING THAT WITH THE ASSISTANCE OF SOLID WASTE
10 ENGINEERING CONTRACT ASSISTANCE.

11
12 **COUNCILMEMBER SILVERMAN:** WHAT DOES THAT MEAN?

13
14 **EILEEN KAO:** WE'VE GOT A DIFFERENT ENGINEERING FIRM THAT IS
15 UNDER CONTRACT ASSISTING US WITH LOOKING AT THAT ISSUE.

16
17 **COUNCILMEMBER SILVERMAN:** AN ENGINEERING FIRM?

18
19 **EILEEN KAO:** A SOLID WASTE ENGINEERING FIRM, S.C.S. ENGINEERS.

20
21 **COUNCILMEMBER SILVERMAN:** OKAY. YOU LOST ME SOMEPLACE. WHY DO
22 YOU NEED AN ENGINEERING FIRM?

23
24 **EILEEN KAO:** TO LOOK AT THE FEASIBILITY OF COLLECTION,
25 ALTERNATIVE METHODS OF COLLECTION -- [OVERLAPPING VOICES]

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1

2 **COUNCILMEMBER SILVERMAN:** RIGHT, FROM NON-RESIDENTIAL.

3

4 **EILEEN KAO:** WELL, IT HAS TO DO WITH -- IT HAS TO DO WITH THE
5 FACT THAT WAS A VERY BROAD STUDY WHERE WE WANTED TO TAKE A
6 LOOK AT -- WELL, LET ME TAKE A STEP BACK.

7

8 **COUNCILMEMBER SILVERMAN:** WELL, LET ME ASK A DIFFERENT QUESTION,
9 THEN. OKAY I'M NOT GOING TO -- IF YOU WANT TO PICK AN
10 ENGINEERING FIRM, PICK AN ENGINEERING FIRM. WHEN DID THE STUDY
11 GET STARTED AND WHEN IT IS SUPPOSED TO FINISH AND WHY ARE WE
12 SITTING HERE IN BUDGET UNLESS YOU'RE GOING TO TELL US THAT
13 WHEN THE STUDY IS FINISHED YOU'RE GOING TO TROT OVER AND PLAN
14 ON DOING SOMETHING MID-YEAR? ARE YOU GOING TO DO THAT?

15

16 **EILEEN KAO:** WELL, AS PART OF -- WHEN THE COUNCIL APPROVED THE
17 TEN-YEAR PLAN THEY ASK US TO COME BACK WITH A PRESENTATION ON
18 THE RESULTS OF THE FEASIBILITY STUDY.

19

20 **SPEAKER:** IN THE JUNE, JULY TIME FRAME. THAT WAS THE PACE THEY
21 WERE ON AND SO IT WAS --

22

23 **COUNCILMEMBER SILVERMAN:** I GUESS WHAT I'M ASKING IS, SO
24 THERE'S GOING TO BE A FEASIBILITY STUDY IN JUNE OR JULY, THEN
25 WHAT HAPPENS? IN OTHER WORDS, I SEEM TO VAGUELY RECALL HAVING

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1 THIS DISCUSSION A YEAR AGO, ABOUT THE FACT THAT WE HAD
2 VIRTUALLY NO MOVEMENT ON THE NON-RESIDENTIAL RECYCLING SIDE.
3 AND SO HERE WE ARE A YEAR LATER AND THE PROPOSED BUDGET IS
4 \$13,000 MORE THAN LAST YEAR? SO ARE WE WAITING FOR THIS
5 FEASIBILITY STUDY TO BE DONE? AND IF WE ARE, ARE WE -- ARE YOU
6 THEN ANTICIPATING REQUESTING SOME MID-YEAR ADJUSTMENT OR ARE
7 WE GOING TO WAIT UNTIL NEXT YEAR AT BUDGET TIME TO HAVE A
8 DISCUSSION ABOUT WHAT WE'RE GOING TO DO TO BOOST THE RECYCLING
9 RATES OF THE NON-RESIDENTIAL SECTOR?

10

11 **SPEAKER:** PLEASE RECALL IN SEPTEMBER WE WILL BE STARTING ON THE
12 '07 SO THAT WOULD BE THE TIME WE'D BE INCLUDING FUNDING UNLESS
13 THERE'S AN OVERRIDING REASON AS A RESULT OF THE FEASIBILITY
14 STUDY TO REQUEST ADDITIONAL FUNDS TO DO IT, OR MAYBE SOMETHING
15 THAT DOESN'T REQUIRE ADDITIONAL --

16

17 **COUNCILMEMBER SILVERMAN:** WELL, WHAT YOU'RE SAYING IS THAT
18 ESSENTIALLY WE'RE NOT GOING TO DO ANYTHING THAT WE HAVEN'T
19 BEEN ALREADY DOING AS IT RELATES TO NON-RESIDENTIAL RECYCLING
20 FOR THE NEXT YEAR? WHAT YOU ARE TELLING ME, ART, YOU'RE SAYING
21 THAT THE '07 BUDGET STARTS JULY 1 OF '06. WE'RE NOW COMING UP
22 ON JULY 1 OF '05. IN OTHER WORDS, THE TIMING OF THIS
23 FEASIBILITY STUDY ESSENTIALLY PRODUCES A RESULT, A POTENTIAL
24 APPROACH THAT I'M NOT HEARING YOU SAY WOULD BE PART OF
25 ANYTHING OTHER THAN AN FY07 BUDGET REQUEST.

**The Transcript of
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1

2 **SPEAKER:** LET ME --

3

4 **COUNCILMEMBER SILVERMAN:** SO WHAT ARE WE GOING TO DO FOR THE
5 NEXT YEAR? KEEP ON TRACK WITH, YOU KNOW, 30.0%?

6

7 **SPEAKER:** LET ME CHANGE -- OR LET ME SAY SOMETHING IN TERMS OF
8 -- IF YOU'RE DOING A STUDY AND YOU GET RESULTS, YOU OUGHT TO
9 USE THOSE RESULTS FOR SOME ADJUSTMENT OR SOMETHING. AND WE
10 WILL TAKE A LOOK AT THEM. WE WON'T JUST BE DRIVEN TO THE
11 BUDGET. IF IT'S FEASIBLE OR IF IT LOOKS LIKE IT'LL MAKE SENSE,
12 WE WILL THEN COME BACK FOR CHANGES IN OUR PROGRAM. SO I WILL
13 TELL YOU, WE WILL DO THAT.

14

15 **COUNCILMEMBER SILVERMAN:** WHAT WOULD BE INVOLVED IN THAT, ARON
16 FROM A FISCAL STANDPOINT?

17

18 **ARON TROMBKA:** IN CHANGING THE BUDGET? WELL, YOU APPROPRIATE
19 THE DOLLARS. YOU DON'T APPROPRIATE THE SPECIFIC --

20

21 **COUNCILMEMBER SILVERMAN:** NO, I MEAN -- I MEAN SUPPOSE THEY
22 HAVE A -- I MEAN UNDER, IN OTHER WORDS, THERE ARE -- I
23 APOLOGIZE BECAUSE I DON'T KNOW THE ANSWER TO THIS. THERE ARE
24 RESERVES, SET-ASIDE RESERVES IN SOLID WASTE --

25

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1 **ARON TROMBKA:** YES. THERE IS A FUND BALANCE AND A FUND BALANCE
2 POLICY, YES.

3

4 **COUNCILMEMBER SILVERMAN:** AND WHAT ARE THE RESERVES?

5

6 **ARON TROMBKA:** OKAY. ON PAGE -- CIRCLE... I HOPE I PUT IT IN
7 HERE. HERE IT IS. ON PAGE -- CIRCLE 11 IS THE FUND BALANCE.
8 AND IT HAS -- THERE IS A FUND BALANCE POLICY, THERE'S -- THIS
9 IS A VERY COMPLICATED FUND WITH --

10

11 **COUNCILMEMBER SILVERMAN:** MY GOD, WHERE AM I LOOKING HERE?

12

13 **ARON TROMBKA:** ALL OVER. THE RESERVE LINE -- BILL, HELP ME OUT
14 ON THIS. NEAR THE BOTTOM --

15

16 **COUNCILMEMBER SILVERMAN:** HERE'S WHAT I'M ASKING. YOU COME UP
17 WITH A FEASIBILITY -- MAYBE THIS WILL BE EASIER. YOU COME UP
18 WITH A FEASIBILITY STUDY, YOU SAY, GOSH, THIS LOOKS LIKE A
19 REALLY GOOD THING WE OUGHT TO BE DOING. WE THINK IT'S GOING TO
20 COST A HALF A MILLION DOLLARS AND WE THINK THAT BY SPENDING A
21 HALF A MILLION DOLLARS WE THINK WE CAN REALLY GET MOVING ON
22 THIS NON-RESIDENTIAL RECYCLING RATE. MY QUESTION IS, DO YOU
23 WAIT UNTIL THE FY07 BUDGET OR DO YOU FIND SOME WAY IN THE
24 MIDDLE OF THE YEAR TO SAY WE'RE NOT GOING TO BLOW OFF ANOTHER
25 YEAR --

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1

2 **ART HOLMES:** THAT'S WHAT -- THAT'S WHAT I THOUGHT I SAID.

3

4 **COUNCILMEMBER SILVERMAN:** NO, I KNOW. I HEARD THAT'S WHAT YOU
5 SAID, ART. AND I'M JUST SAYING WHERE DOES -- EVEN ASSUMING YOU
6 WANTED TO MAKE THAT HAPPEN, WHICH I KNOW THAT YOU WOULD WANT
7 TO, WHERE DO THE RESOURCES COME FROM TO DO THAT IN THE MIDDLE
8 OF THE YEAR --

9

10 **ART HOLMES:** OH, OKAY.

11

12 **COUNCILMEMBER SILVERMAN:** BECAUSE IT'S NOT -- YOU'RE NOT COMING
13 OVER FOR A SUPPLEMENTAL OF GENERAL FUND DOLLARS. YOU WOULD BE
14 GOING TO WHAT, THE FUND BALANCE?

15

16 **SPEAKER:** THE FUND BALANCE OR USING THE RESOURCES. ONE THING
17 YOU CAN DO IS TELL THE DEPARTMENT THAT THE ITEMS THAT ARE
18 LISTED IN BULLETS ON THE BOTTOM OF 12 AND TOP OF 13, THAT
19 MAYBE THEY SHOULD HOLD OFF ACTUALLY IMPLEMENTING SOME OF THOSE
20 ELEMENTS AND KEEP SOME MONEY ASIDE SO THAT IF THE COOPERATIVE
21 COLLECTION SURVEY DEMONSTRATES THAT WE CAN IN WHEATON COLLECT
22 FROM THE SMALL BUSINESS THERE -- CRAB'S RIDGE -- THAT THEY
23 DIVERT SOME OF MONEY THERE BECAUSE IT'S RIGHT IN THE BEGINNING
24 OF THE FISCAL YEAR THAT WE'RE GOING TO LEARN ABOUT THAT.
25 RATHER THAN SUGGESTING THAT THEY NECESSARILY NEED MORE MONEY,

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1 I WOULD THINK THE COUNCIL, IF THEY AGREE WITH MR. SILVERMAN,
2 WOULD SAY THAT, DON'T PLAN NECESSARILY IN THE FIRST MONTH TO
3 HAVE ALL THIS MONEY SPENT ON THESE BULLETS HERE BUT RATHER
4 PRESERVE A PORTION OF THAT TO IMPLEMENT A PROGRAM IF THE
5 FEASIBILITY STUDY WARRANTS.

6

7 **COUNCILMEMBER SILVERMAN:** WELL, YOU KNOW, I'LL DEFER TO GENERAL
8 HOLMES ON THIS IN TERMS OF WHAT YOUR THOUGHTS ARE ABOUT THIS.
9 I'M JUST SAYING, IF YOU GET A STUDY THAT YOU'RE GOING TO HAVE
10 IN JULY AND YOU'RE GOING TO COME BACK AND BRIEF THE T&E
11 COMMITTEE, MAYBE THE COUNCIL ON THIS, I DON'T KNOW, WITH
12 SOMETHING THAT HAPPENS. WHAT WE'VE HEARD LOUD AND CLEAR FROM
13 THE -- SPECIFICALLY THE REPRESENTATIVES OF THE BUSINESS
14 COMMUNITIES, THEY'RE READY TO ROLL-UP THEIR SLEEVES AND PLAY A
15 ROLE. NOW, REALISTICALLY, THAT'S ONLY GOING TO HAPPEN WHEN
16 SOMEBODY IS KNOCKING ON THEIR DOOR SAYING, HERE'S WHAT WE
17 THINK THE PLAN IS. AND I'M JUST RESPECTFULLY SAYING THAT I
18 DON'T THINK WE SHOULD BE WAITING ANOTHER YEAR FOR THAT TO TAKE
19 PLACE. I'M HEARING YOU SAY YOU DON'T WANT TO DO THAT EITHER.
20 SO MAYBE THE -- I JUST WANTED TO UNDERSTAND WHETHER THERE WERE
21 SUFFICIENT RESOURCES SOMEWHERE.

22

23 **ART HOLMES:** MAY I ASK A QUESTION? REFER TO ME AS ART, PLEASE.

24

25 **COUNCILMEMBER SILVERMAN:** OKAY, FINE.

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1

2 **SPEAKER:** SURE. AND I DON'T WANT TO LOSE SIGHT ALSO OF THE
3 IMPORTANT ACTION YOU TOOK A COUPLE OF MONTHS AGO WITH THIS BAN
4 ON RECYCLABLES. IF WE SEE INCREASES OVER THE NEXT YEAR IT'S
5 PROBABLY AS LIKELY OR MORE LIKELY THAT'S THE REGULATORY ACTION
6 YOU DID EARLIER THIS YEAR THAT'S GOING TO MOVE THE COMMERCIAL
7 RECYCLING EFFORTS. AND I THINK THE DEPARTMENT'S MOVING FORWARD
8 IN IMPLEMENTING THAT. YOU KNOW, ANY CHANGE OF THE NUMBERS MAY
9 NOT BE A FUNCTION OF THE OUTREACH AND THE PUBLICITY. IT'S MORE
10 LIKELY, IN MY SENSE, TO BE A FUNCTION OF THE REGULATORY ACTION
11 THAT'S JUST TAKING EFFECT NOW.

12

13 **COUNCILMEMBER SILVERMAN:** OKAY. WELL, FINE. I GUESS WE'LL LOOK
14 AT THIS WHEN WE LOOK AT IT IN JULY?

15

16 **SPEAKER:** JULY.

17

18 **ART HOLMES:** ONCE THE STUDY'S OUT WE WILL COME BACK TO YOU AND
19 LET YOU KNOW WHAT WE'RE GOING TO DO.

20

21 **COUNCILMEMBER SILVERMAN:** THANK YOU, ART.

22

23 **ART HOLMES:** OKAY.

24

25 **ARON TROMBKA:** MR. PEREZ, SHOULD I CONTINUE?

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1

2 **COUNCIL PRESIDENT PEREZ:** PLEASE.

3

4 **ARON TROMBKA:** OKAY. AGAIN, THE SUMMARY OF THE T&E
5 RECOMMENDATIONS ARE IN BOLD ON PAGE 15. WE'VE DISCUSSED MOST
6 OF THEM. WASTE REDUCTION PROGRAM, IN THE MIDDLE OF 15,
7 \$257,000. T&E RECOMMENDS APPROVAL OF THAT LINE ITEM IN THE
8 BUDGET. WE NOW GO THROUGH THE DIFFERENT FACILITIES THAT
9 COMPRISE THE SOLID WASTE SYSTEM. THE RESOURCE RECOVERY
10 FACILITY, BY FAR THE BIGGEST LINE ITEM IN THE BUDGET, \$44
11 MILLION. IT'S ACTUALLY BUDGETED AT A 1.7% DECREASE BELOW THE
12 CURRENT YEAR. YOU CAN SEE THERE ARE SOME MAJOR CAPITAL
13 EXPENDITURES TO UPGRADE THE RAIL SYSTEM THAT'S DESCRIBED ON
14 PAGE 16. T&E COMMITTEE RECOMMENDS APPROVAL OF THAT BUDGET.
15 JUST TO NOTE THAT ALL OF THESE BUDGETS ARE CONSISTENT WITH THE
16 T&E RECOMMENDATION ON THE TIP FEE. IF YOU WERE TO ADJUST THE
17 TIP FEE AND ASSUME THERE WOULD BE FEWER TONS WE'D HAVE TO MAKE
18 SOME MINOR CORRECTIONS, OR MINOR ADJUSTMENTS TO SOME BUDGET
19 ITEMS LIKE THE R.R.F. SOLID WASTE TRANSFER STATION, BOTTOM OF
20 PAGE 16, \$2.2 MILLION. ABOUT A 9% INCREASE. THAT INCREASE IS
21 ATTRIBUTABLE TO TWO THINGS, ONE THOSE NEW POSITIONS TO ENFORCE
22 THE DISPOSAL BAN; AND TWO, THE DEPARTMENT IS REALLY GETTING
23 HIT BY HIGHER FUEL PRICES TO OPERATE THE EQUIPMENT THERE.
24 AGAIN, T&E COMMITTEE RECOMMENDS APPROVAL OF THE TRANSFER
25 STATION BUDGET. ONCE MATERIAL GOES THROUGH THE TRANSFER

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1 STATION IN THE R.R.F. AND GETS BURNED, IT HAS TO GET SENT
2 SOMEWHERE. THE OUT-OF-COUNTY HAUL BUDGET, ITEM NUMBER 3 ON
3 PAGE 17 TAKES CARE OF LAND FILLING, THAT AND OF NONPROCESSABLE
4 WASTE. THE EXECUTIVE'S RECOMMENDING A 12.1 MILLION DOLLAR
5 BUDGET, THAT'S LESS THAN A 4% INCREASE. AGAIN, THIS IS VERY
6 MUCH A FUNCTION OF TONS YOU ASSUME WILL GO THROUGH THE SYSTEM.
7 T&E COMMITTEE IS RECOMMENDING APPROVAL. RECYCLING CENTER, \$2.8
8 MILLION. JUST ABOUT A \$2.6% DECREASE BELOW THE CURRENT YEAR
9 FUNDING. THAT'S BECAUSE OF ELIMINATION OF SOME ONE-TIME
10 EQUIPMENT PURCHASES INCLUDED LAST YEAR. T&E IS RECOMMENDING
11 APPROVAL OF THAT. ON PAGE 18, THE DICKERSON COMPOSTING
12 FACILITY. HERE'S ANOTHER FACILITY THAT'S FACING AN ISSUE OF
13 COMING CLOSE TO ITS PERMITTED CAP OR ITS AGREED-UPON CAP. THE
14 EXECUTIVE'S BUDGET RECOMMENDS \$3.1 MILLION TO TOP-RATE THE
15 FACILITY. THE INCREASES ARE MOSTLY BECAUSE OF ONE-TIME
16 EQUIPMENT PURCHASES AND HIGHER FUEL COSTS. JUST TO REMIND THE
17 COMMITTEE THAT WITH AN AGREEMENT WITH THE SUGARLOAF CITIZEN'S
18 ASSOCIATION THE CAP FOR THIS FACILITY IS 77,000 TONS. IN FACT,
19 IN FY03 YOU'LL SEE THAT THEY HAD TO GET A ONE-YEAR AGREEMENT
20 WITH SUGARLOAF TO EXCEED THE CAP BUT IN SUBSEQUENT YEARS
21 THEY'VE EITHER COME IN JUST UNDER THE CAP OR HAD TO SHIP -- IN
22 ONE YEAR I THINK IT WAS UP, BY '04, ABOUT 2,000 TONS OF YARD
23 TRIM ELSEWHERE TO AVOID BREAKING THROUGH THE CAP. IN THE
24 S.W.A.C.'S COMMENTS YOU'LL SEE THAT S.W.A.C. IS SUGGESTING
25 THAT THE COUNTY MOVE MORE AGGRESSIVELY TO PROMOTE HOME

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1 COMPOSTING AND GRASS RECYCLING TO TRY TO REDUCE DEMAND ON THIS
2 FACILITY. SOME OF THE SUGGESTIONS ARE BULLETED ON PAGE 19. THE
3 T&E COMMITTEE ON THE BUDGET SIDE IS RECOMMENDING APPROVAL OF
4 THE BUDGET AS SUBMITTED BY THE EXECUTIVE. I'LL CONTINUE. THE
5 SUBCONTRACTOR WAGES AND BENEFITS --

6

7 **COUNCIL PRESIDENT PEREZ:** OH, MR. SUBIN, I'M SORRY.

8

9 **COUNCILMEMBER SUBIN:** ARON, TAKE ME BACK TO SOME FUNDAMENTALS
10 TODAY. OR GENERAL, TAKE ME BACK TO FUNDAMENTALS ON HOW THIS
11 STUFF IS HANDLED. I TAKE MY YARD TRIM, I TAKE MY WEEDS, I TAKE
12 MY OLD LETTUCE, I TAKE MY ONION PEELINGS AND IT ALL GOES INTO
13 A COMPOST HEAP THAT I'VE GOT IN BACK OF THE HOUSE. AN I AM NOW
14 STARTING TO USE THAT AS SOIL AND MULCH FOR MY VEGETABLE PLANTS.
15 WHAT A GOOD BOY, OKAY? WHAT -- YOU GUYS, I SEE ALL THESE BAGS
16 OUT IN FRONT OF HOUSES. AND WE PICK UP LEAVES AND STICKS AND
17 THIS AND THAT. YOU'RE SAYING THE COMPOST FACILITY IS COMING TO
18 THE END OF ITS LIFE. WHAT DO YOU DO WITH THE COMPOST?

19

20 **ARON TROMBKA:** IT'S NOT THAT IT'S COMING TO ITS END OF ITS LIFE.
21 IT'S --

22

23 **COUNCILMEMBER SUBIN:** WELL, IT'S COMING -- WHATEVER. DEFINE IT
24 THE WAY YOU WANT. PRETTY SOON YOU'RE NOT GOING TO BE ABLE TO
25 PUT ANY MORE COMPOST IN THERE.

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1

2 **ARON TROMBKA:** RIGHT. AND THAT HAPPENED TWO YEARS AGO AND WHAT
3 THE DEPARTMENT HAD TO DO WAS CONTRACT TO SEND THE GRASS AND
4 LEAVES THAT PEOPLE PUT ON THEIR CURB OR THAT GET BACKED UP BY
5 ANOTHER DIVISION OF D.P.W.T. AND THEY'VE SENT IT TO A PRIVATE
6 FACILITY TO COMPOST IN ORDER NOT TO NOT EXCEED THE CAP.

7

8 **COUNCILMEMBER SUBIN:** AND WHAT DOES THAT PRIVATE FACILITY DO
9 WITH THAT COMPOST?

10

11 **ARON TROMBKA:** PRESUMABLY THE SAME THING WE DO WITH IT, WHICH
12 IS TURN IT INTO COMMERCIAL SOIL AMENDMENT PRODUCT.

13

14 **COUNCILMEMBER SUBIN:** SO THEN WHAT YOU ARE BASICALLY SAYING IS,
15 IT'S COMING IN AND AT SOME POINT IT'S GOING OUT. COULD IT GO
16 OUT ANY FASTER? I MEAN ARE THERE ANY PROCESSES OR THINGS THAT
17 YOU CAN DO TO PUT IN THERE SO THERE'S A REVENUE STREAM?

18

19 **ARON TROMBKA:** THERE IS A REVENUE STREAM. THE REVENUE DOES NOT
20 OFFSET THE COST OF THE PROGRAM. THERE'S \$3.1 MILLION, AS A NET
21 NUMBER --

22

23 **COUNCILMEMBER SUBIN:** I'M NOT -- I'M NOT LOOKING ABOUT, LOOKING
24 AT THIS POINT TO OFFSET THE COSTS. I MEAN, THERE'S JUST NO WAY,

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1 GIVEN THE LABOR AND MACHINERY IT TAKES TO EVEN GET IT THERE,
2 THAT YOU'RE GOING TO OFFSET THAT COST.

3

4 **ARON TROMBKA:** THE MAIN REASON FOR NOT WANTING TO SHIP THE YARD
5 TRIM ELSE WHERE IS THE COST ELEMENT. IT COSTS US MORE MONEY TO
6 SHIP IT ELSEWHERE AND TO PAY FOR PEOPLE TO DO IT FOR US THAN
7 FOR US TO DO IT OURSELVES.

8

9 **COUNCILMEMBER SUBIN:** WELL, LET ME REDEFINE -- LET ME RE-ASK MY
10 QUESTION. IS THERE EQUIPMENT, ARE THERE PROCESSES IN WHICH YOU
11 CAN TURN THAT INTO A COMMERCIALLY VIABLE PRODUCT SOONER TO GET
12 MORE IN AND MORE OUT?

13

14 **SPEAKER:** YES, I'D LIKE TO ADDRESS THAT ONE. CERTAINLY IN THE
15 BACKYARD COMPOSTING, WE LIKE TO ENCOURAGE EVERYBODY TO DO THAT.
16 YOU MADE A CALL, WHEN DICKERSON WAS A SLUDGE COMPOST SIDE, WE
17 USED WHAT THEY CALL A STATIC PILE, THAT IS INSTEAD OF
18 INDIVIDUAL WIND DRAWERS YOU GET MUCH MORE IN, IN A BLOCK FORM
19 THAN A WHOLE CITIES OF LITTLE --

20

21 **COUNCILMEMBER SUBIN:** RIGHT, I REMEMBER YOU WANTED TO PUT DOWN
22 CONCRETE PADS TO DO THAT.

23

24 **SPEAKER:** THAT'S CORRECT. SO, SOME WORK IS BEING DONE ON THAT
25 IN SOME OTHER JURISDICTIONS. BUT ONE OF THE PROBLEM IS A LOT

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1 OF THESE THINGS WORK ON A SMALL SCALE BUT WHEN YOU GO TO THE
2 REALLY LARGE SCALE IT CAN BECOME A PROBLEM. BUT THE ENGINEERS
3 ARE ACTUALLY LOOKING AT A SISTER FACILITY IN PRINCE GEORGE'S
4 COUNTY, WHERE THEY HAVE SIMILAR PROBLEMS IN TERMS OF CAPACITY.
5 SO, WE'RE GOING TO KEEP AN EYE ON ANYTHING THEY WILL DO ON THE
6 STATIC PILE AND WE'RE ALL GOING TO BENCHMARK ON STATIC PILE
7 ELSEWHERE. I WENT TO SEE OPERATIONS IN -- I CANNOT NAME THE
8 PLACE -- BUT IN ANY EVENT, THE STANDARD ON THE WEST COAST
9 WOULD NOT BE ACCEPTABLE IN MONTGOMERY COUNTY FOR SOME OF THOSE
10 OPERATIONS. THE MATERIAL WAS BEING PUT OUT IMMATURE, WHICH IS
11 THE LAST THING YOU WANT TO DO. SO YES, WE'RE LOOKING AT IF
12 THERE ARE OTHER PIECES OF EQUIPMENT, SOME OF THE WIND ROW
13 TUNNELS, SOME OF THE EUROPEANS HAVE SLIGHTLY BIGGER EQUIPMENT,
14 WHICH MEANS VOLUME CAN GO UP IN A PARTICULAR WIND ROW BECAUSE
15 THE LIMITING FACTOR IS NORMALLY THE HEIGHT OF THE BAR GOING
16 ACROSS. SO YES, WE ARE LOOKING AT THE OPTIONS. IN ADDITION TO
17 -- ALTHOUGH WE SAY HERE THAT SUGARLOAF THUMBED US DOWN, I MET
18 WITH A LARGE GROUP OF SUGARLOAF CITIZENS TWO WEEKS AGO AND
19 WE'VE AGREED TO CONTINUE TALKING ON THE CAPACITY ISSUE BECAUSE
20 WHEN WE WENT OVER THE LAST TIME, IT WAS WATER WE WERE TAKING
21 UP THERE. ALL THE MATERIAL WAS SO WET. THAT ACCOUNTED FOR THE
22 TONNAGE. SO YES, WE'LL KEEP LOOKING AT THE TECHNOLOGIES.

23
24 **COUNCILMEMBER SUBIN:** WHY IS TONNAGE THE YARDSTICK AND NOT
25 HEIGHT?

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1

2 **SPEAKER:** WELL, THE TONNAGE IS WHAT WAS AGREED WITH CITIZEN'S
3 GROUP.

4

5 **COUNCILMEMBER SUBIN:** SO IF YOU HAVE X TONS IN THERE BECAUSE OF
6 THE WATER AND THE WATER IS -- YOU CAN GET THE WATER OUT OF IT,
7 LET IT DRY OUT OR WHATEVER --

8

9 **SPEAKER:** IF YOU COULD GET THE WATER OUT BEFORE YOU PUT IT --
10

11 **COUNCILMEMBER SUBIN:** SUPPOSE THE TONNAGE COMES UP TO HERE BUT
12 YOU STILL GOT UP TO THE CEILING CAPACITY, THEN YOU CAN'T PUT
13 IT IN, IS THAT RIGHT?

14

15 **SPEAKER:** YOU'RE ABSOLUTELY CORRECT.

16

17 **ARON TROMBKA:** YOU'RE BOTH ABSOLUTELY CORRECT. THE TONNAGE
18 LIMIT --

19

20 **COUNCILMEMBER SUBIN:** SO THAT A TON OF LEAD IS THE SAME AS A
21 TON OF FEATHERS?

22

23 **ARON TROMBKA:** THE AGREEMENT WITH THE SUGARLOAF CITIZEN'S
24 ASSOCIATION WAS WEIGHT-BASED, NOT VOLUME-BASED, ALL RIGHT. AND
25 SO --

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1

2 **COUNCILMEMBER SUBIN:** BOY, I WOULD HAVE LIKED TO HAVE BEEN
3 THEIR ATTORNEY. HE PROBABLY GOT PAID REAL GOOD FOR THAT. ALL
4 RIGHT... THEN THE OTHER -- I THINK THERE'S A FOLLOW-UP
5 QUESTION, WHICH IS, YOU KNOW, YOU GO TO ONE OF THE LOCAL --
6 THEY'RE NOT HARDWARE STORES OR --

7

8 **ARON TROMBKA:** GARDEN CENTER?

9

10 **COUNCILMEMBER SUBIN:** YEAH, SOME LARGE GARDEN CENTER. OKAY. AND
11 YOU GO TO BUY A BAG. YOU SAY, I WANT A BAG OF HARDWOOD MULCH.
12 YOU KNOW, I DON'T KNOW THE NAME OF THE PLACE BUT IT SAYS
13 DAGSBOROUGH, DELAWARE. SO THERE'S SOMEPLACE OUT IN DAGSBOROUGH,
14 DELAWARE -- COULDN'T BE HARD TO FIND IF IT'S IN DELAWARE --
15 THAT IS MAKING OODLES OF MONEY OF OF MULCH AND HARDWOOD, AND
16 COMPOST, HOW WOULD YOU SELL IT TO THEM? SAY Y'ALL COME NOW. WE
17 GOT THESE TRUCKS, WE WILL UNLOAD FROM OUR TRUCK TO YOUR TRUCK
18 INSTEAD OF YOU BOTHERING WITH THIS OTHER THING?

19

20 **SPEAKER:** WELL, WE DO HAVE A VERY SOPHISTICATED DISTRIBUTION
21 SYSTEM FOR ALL THE BAGS THAT WE PRODUCE. THREE HUNDRED AND, AS
22 I RECALL, ABOUT 350,000 BAGS A YEAR OF THE FINISHED PRODUCT GO
23 OUT.

24

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1 **COUNCILMEMBER SUBIN:** BUT WHY ARE WE -- BUT IF WE CAN GET RID
2 OF THAT STUFF TO BEGIN WITH AND NOT WORRY ABOUT WEIGHT VERSUS
3 VOLUME, WHY DON'T WE JUST GET IT OUT OF HERE?

4

5 **ARON TROMBKA:** ABOUT -- OVER SEVEN, EIGHT YEARS AGO, MR. DUNCAN
6 PROPOSED THAT AND THERE WAS AN ANALYSIS DONE. BIDS WERE PUT
7 OUT AND COMPARED TO THE PER-TON COST AT THE COUNTY'S OWN
8 FACILITY. AND THE COUNTY FACILITY, MUCH BECAUSE OF GEOGRAPHY,
9 OPERATED AT A MUCH LOWER RATE PER-TON THAN WHAT WAS AVAILABLE
10 THROUGH THE PRIVATE SECTOR ELSEWHERE. AND SO THE --

11

12 **COUNCILMEMBER SUBIN:** WELL, BUT MAYBE MR. DUNCAN'S REQUEST WAS
13 A LITTLE BIT PREMATURE. MAYBE MR. DUNCAN LOOKED IN A CRYSTAL
14 BALL AND COULD TELL THAT ONE DAY WE WERE GOING TO HAVE THE
15 PROBLEM THAT WE HAVE? YOU KNOW, YOU TAKE MR. FIRESTONE'S TREES
16 AFTER WE BONDED THEM AND A HURRICANE COMES THROUGH AND THEY
17 GET KNOCKED OVER AND DEAD AND CICADA'S COME AND THEY -- WHAT
18 ARE YOU GOING TO DO WITH THEM?

19

20 **SPEAKER:** WHEN WE HAD THE PREVIOUS STORMS THE MULCH WAS
21 SEPARATED OUT FROM LEAVES AND GRASS. AND WE MANAGED TO DISPOSE
22 OF ALL THE WOOD CHIPS THAT WE TOOK FROM ALL OF THE DEBRIS THAT
23 CAME DOWN. SO WE HAVE TWO THINGS GOING ON. WE HAVE COMPOSTING
24 GOES ON BUT WE ALSO HAVE A VERY LARGE MULCHING OPERATION SO
25 THAT EVERYTHING DOESN'T GO UP TO THE DICKERSON FACILITY.

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1

2 **COUNCILMEMBER SUBIN:** SOME OF IT'S -- AT THE TRANSFER STATION.

3

4 **SPEAKER:** THE TRANSFER STATION.

5

6 **COUNCILMEMBER SUBIN:** THAT HELPS A GREAT DEAL.

7

8 **SPEAKER:** SO WHERE THE WOOD COMES IN AT THE TRANSFER STATION,
9 WE GRIND IT UP AND IT GOES AWAY AS MULCH. I MEAN HUGE VOLUMES
10 OF IT GOING OUT ON A REGULAR BASIS. THEN THE MATERIAL THAT
11 COMES IN MIXED, THE PAPER BAGS YOU SEE OUTSIDE AND WHAT HAVE
12 YOU AT VARIOUS HOUSES, THAT GOES THROUGH THE TOP GRINDER WHICH
13 MAKES IT A REALLY VIABLE COMPOST MATERIAL. NOW, THE IDEAL
14 THING, IF YOU COULD GET SOMEBODY TO TAKE THAT AWAY FROM THE
15 TRANSFER STATION, BUT YOU'D HAVE TO PAY SOMEBODY ABOUT \$45 A
16 TON TO DO THAT ON THE ASSUMPTION THAT THEY'VE GOT A LARGE-
17 SCALE OPERATION SOMEWHERE ELSE.

18

19 **COUNCILMEMBER SUBIN:** YOU KNOW, IT JUST SEEMS TO ME THAT WE'VE
20 RUN INTO AN AVOIDABLE PROBLEM HERE. THAT IF THERE'S A MARKET
21 FOR IT OUT THERE, WHY AREN'T WE MORE AGGRESSIVELY PURSUING A
22 MARKET SO WE DON'T HAVE TO WORRY ABOUT HOW MANY TONS ARE
23 SITTING IN THERE TODAY AND IT'S GOING TO BE A TON LESS
24 TOMORROW BECAUSE IT DRIES OUT?

25

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May 10, 2005

1 **SPEAKER:** WELL, WE DO SELL EVERYTHING WE PRODUCE. ALL THE
2 COMPOST THAT WE PRODUCE IS EITHER SOLD IN BULK OR IN BAG AND
3 IS, IN FACT, IN BIG DEMAND.

4

5 **COUNCILMEMBER SUBIN:** I UNDERSTAND THAT AND I THINK THAT'S
6 COMMENDABLE. BUT IT SEEMS THAT ARON'S COME UP -- AND YOU HAVE
7 COME UP WITH A PROBLEM IN TERM OF THE CAPACITY AND HOW WE
8 ADDRESS IT.

9

10 **ARON TROMBKA:** FOR THE FIRST 77,000 TONS THAT ARE PRODUCED THE
11 COUNTY IS, IN ALL LIKELIHOOD, CHEAPER THAN THE PRIVATE OPTIONS.
12 I THINK WHAT YOU'RE HIGHLIGHTING IS -- [OVERLAPPING VOICES]

13

14 **COUNCILMEMBER SUBIN:** WHY CAN'T WE GET IT TO SOMEBODY -- THAT
15 ADDITIONAL INCREMENT, THAT'S RIGHT.

16

17 **ARON TROMBKA:** RIGHT, THAT -- THEN THERE'S THE QUESTION OF WHAT
18 IS CHEAPER AND WHAT'S PHYSICALLY CAPABLE OF BEING PROCESSED AT
19 THE COMPOST FACILITY AND WHAT'S CAPABLE OF, GIVEN THE EXISTING
20 AGREEMENT WITH THE CITIZEN'S ASSOCIATION.

21

22 **COUNCILMEMBER SUBIN:** WELL, WE'RE LOCKED IN BY AN AGREEMENT
23 THAT IS NOT TO OUR BENEFIT. BUT WE'RE LOCKED IN AND --

24

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1 **ARON TROMBKA:** WELL, BUT MR. BALMER'S I GUESS GIVEN US SOME
2 REASON TO BE OPTIMISTIC THAT MAYBE THERE WE CAN --

3

4 **SPEAKER:** THE FACT THAT WE'RE STILL TALKING BRINGS A LEVEL OF
5 OPTIMISM.

6

7 **COUNCILMEMBER SUBIN:** WELL, YOU'RE GOING TO BE LOCKED INTO
8 SOMETHING. AND THEN WHATEVER HAPPENS AFTER THAT IS WHAT --
9 THEN IT'S THE INCREMENT THAT ARON'S TALKING ABOUT, THAT
10 SHOULDN'T EVEN MAKE IT UP THERE. IF IT'S GOING TO BE AT THE
11 TRANSFER STATION, THEN I -- I WOULD SUGGEST YOU LOOK INTO JUST
12 HAVING FOLK TAKE IT WHO ARE GOING TO PRODUCE IT IN THE PRIVATE
13 MARKET. SEND IT TO THE FOLKS IN DAGSBOROUGH. IT WOULD BE A
14 LITTLE BIT MORE TRAFFIC FOR MRS. PRAISNER ON HER WAY TO THE
15 BEACH ALL THE TIME. OKAY.

16

17 **ARON TROMBKA:** SHOULD I CONTINUE, MR. PRESIDENT?

18

19 **COUNCIL PRESIDENT PEREZ:** YES, PLEASE.

20

21 **ARON TROMBKA:** WE'LL TRY TO GO THROUGH THIS --

22

23 **COUNCIL PRESIDENT PEREZ:** IT'S A QUARTER AFTER THREE. WE ARE ON
24 THE FIRST OF 11 ITEMS THIS AFTERNOON. SO, IF WE COULD PROCEED
25 AS EXPEDITIOUSLY AS POSSIBLE THAT WOULD BE WONDERFUL.

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1

2 **ARON TROMBKA:** ONE MORE ITEM THAT NEEDS TO BE EXPLAINED IN A
3 LITTLE BIT OF DETAIL, THAT'S ON THE BOTTOM OF PAGE 19,
4 SUBCONTRACTOR WAGES. A COUPLE OF YEARS AGO THE COUNTY APPROVED
5 A LIVING WAGE FOR SUBCONTRACTORS THAT WORKED AT SOLID WASTE
6 FACILITIES. THE EXECUTIVE'S INCLUDED THAT IN THE BUDGET THE
7 LAST COUPLE OF YEARS. THEY'RE NOW AT \$11.15 PER-HOUR. THE
8 COMMITTEE HAD ASKED ABOUT HEALTH BENEFITS AND THE COST TO
9 PROVIDE THOSE. THE COMMITTEE VOTED, BASED ON INFORMATION THAT
10 THEY HAD AT THAT TIME, TO INCLUDE IN THE BUDGET \$56,000 TO
11 PROVIDE HEALTH AND DENTAL BENEFITS TO THESE SUBCONTRACTOR
12 WORKERS AFTER DEPARTMENT VERY RAPIDLY SURVEYED THE WORKERS AND
13 FOUND THEIR INTEREST AND THE PROPOSAL WOULD HAVE BEEN WITH A
14 20% CONTRIBUTION BY THE WORKERS. SINCE THE T&E COMMITTEE MET -
15 - AND THIS WAS JUST A COUPLE OF DAYS AGO, LATE LAST WEEK, THE
16 DEPARTMENT'S RECEIVED NEW INFORMATION. I HAVE HANDED OUT A
17 SUPPLEMENTAL SHEET TO COUNCIL MEMBERS. APPARENTLY THE
18 SUBCONTRACTOR IS INDICATING THAT THE COST MAY BE DIFFERENT
19 FROM WHAT WAS PROPOSED AND WHAT WOULD THE -- THE COMMITTEE WAS
20 INFORMED PREVIOUSLY. THE DEPARTMENT IS STILL WORKING WITH THE
21 SUBCONTRACTOR TO WORK THIS OUT AND WHEN WE GET TO THE RATES
22 I'LL SUGGEST SOMETHING TO PROBABLY -- TO ALLOW US TO MOVE
23 FORWARD WITH THIS. BUT JUST PLEASE BE INFORMED THAT THE
24 NUMBERS MAY BE AS HIGH AS \$106,000. AND AGAIN, THIS IS NO

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1 FAULT OF THE DEPARTMENT. IT WAS SUBCONTRACTOR WHO CHANGED THE
2 INFORMATION THAT WAS PROVIDED TO THE COUNTY.

3

4 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER HAS HER LIGHT ON.

5

6 **COUNCILMEMBER PRAISNER:** YEAH. THE ONLY CONCERN I HAVE IS NOT
7 WITH THE GOAL BUT WITH THE MESSAGE IT MAY SEND THAT THE COUNTY
8 WILL FILL IN BEHIND AND THAT A CONTRACTOR DOESN'T -- WHETHER
9 IT'S GOVERNMENT OR OTHERWISE, DOESN'T NEED TO LOOK AT ITS
10 COSTS, ET CETERA, IN A COMPREHENSIVE WAY IN PROVIDING BENEFITS
11 TO EMPLOYEES IS A FUNCTION OF THAT AND WE HAVE SOME
12 EXPECTATIONS. BUT BECAUSE MAYBE THIS IS THE SOLID WASTE FUND
13 IT MIGHT BE TREATED A LITTLE DIFFERENTLY BUT WE -- I THINK WE
14 CANNOT LEAVE THE IMPRESSION THAT WE WILL PROVIDE THE FUNDS.
15 AND, DEPENDING UPON THE SELECTIONS OF BENEFITS OR THE PEOPLE
16 THEY HIRE WITH THE VARIATION AND FAMILY-SINGLE, ET CETERA,
17 THAT WE WILL FILL IN TOTALLY -- OR THAT WE'RE GOING TO FILL IN.
18 BECAUSE THIS FLUCTUATES FROM YEAR-TO-YEAR, DEPENDING ON THE
19 EMPLOYEE AND THE BENEFITS THAT THOSE EMPLOYEES CHOOSE. AND IT
20 SEEMS TO ME THAT WE ARE ALSO SENDING A MESSAGE THAT REQUIRES
21 THEM -- THAT DOESN'T PUT THE ONUS AND RESPONSIBILITY ON THEM
22 TO LOOK AT THIS FROM AN EMPLOYEE PERSPECTIVE AND FROM A
23 MANAGEMENT PERSPECTIVE. I'M NOT OPPOSED TO DOING THIS, I'M
24 JUST RAISING A CONCERN ABOUT THE MESSAGE IT SENDS FROM A
25 CONTRACTUAL RELATIONSHIP ISSUE AND FROM AN EXPECTATION THAT

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1 WHATEVER IT COSTS, THE COUNTY WILL FILL IN BEHIND. AND I DON'T
2 THINK THAT'S THE MESSAGE WE WANT TO SEND. THERE ARE A LOT OF
3 FOLKS WHO ARE CONTRACTORS WHO HAVE THAT REQUIREMENT. WE HEARD
4 FROM PROCUREMENT THIS MORNING THAT THEY ARE DOING AN AUDIT, ET
5 CETERA, IN REVIEWING COMPLIANCE WITH THE LIVING WAGE. I THINK
6 COMPLIANCE WITH THE LIVING WAGE IS WHERE WE SHOULD BE FOCUSED,
7 NOT ON SOLVING THE PROBLEMS AND THE ISSUES FOR PEOPLE, SO.

8

9 **ARON TROMBKA:** THE T&E COMMITTEE WAS SENSITIVE TO THAT ISSUE,
10 MRS. PRAISNER, AND ASKED FOR THE DEPARTMENT, AS THIS WORKS OUT,
11 NOT ONLY TO GIVE COST INFORMATION BUT ALSO GET MORE
12 INFORMATION ON BENEFITS BEING OFFERED, CO-PAY, THINGS LIKE
13 THAT AND THE COMMITTEE'S GOING TO LOOK AT HOW IT COMPARES. ALL
14 RIGHT. SO --

15

16 **COUNCILMEMBER PRAISNER:** IF I MAY COMMENT, THAT'S MY PROBLEM.
17 BECAUSE THE MORE WE GET INTO IN-DEPTH REVIEW OF WHAT EXACTLY
18 THE BENEFITS MAY BE AND WHO'S CHOOSING WHAT AND WHAT EMPLOYEE
19 YOU HAVE WITH WHAT SELECTION YOU HAVE AND THAT THE GOVERNMENT
20 IS GOING TO COVER THIS COST, YOU HAVE NOT LAID OUT WHAT IS A
21 LEVEL PLAYING FIELD WITH THE REQUIREMENT FOR EVERYONE ELSE. SO,
22 THAT'S THE ONLY CONCERN. NOT WITH THE GOAL, WHICH I THINK IS
23 APPROPRIATE. BUT I DON'T THINK WE SIT THERE NEGOTIATING AND
24 MAKE -- AND CERTAINLY SHOULDN'T BE ENTERING INTO AN ASSUMPTION
25 THAT WILL COVER THE COST. SUPPOSE NEXT WEEK SOMEBODY COMES IN

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1 WITH SEVEN CHILDREN AND WANTS A FAMILY PLAN AND THIS TIME IT'S
2 A SINGLE INDIVIDUAL. THAT'S GOING TO CHANGE THE COST. AND I
3 DON'T THINK THEY SHOULD LOOK TO THE COUNTY TO BE PICKING UP
4 THAT.

5

6 **ARON TROMBKA:** ALL RIGHT. AND AGAIN, WHEN WE GET THE RATES
7 WE'LL RESOLVE THIS ISSUE. LET'S TAKE THE NEXT TWO ISSUE
8 TOGETHER, THE TWO COLLECTION, REFUSE COLLECTION AND RECYCLING
9 COLLECTION, \$5.1 MILLION FOR REFUSE COLLECTION, OSTENSIBLY
10 UNCHANGED. T&E RECOMMENDS APPROVAL. RECYCLING COLLECTION IS
11 GOING DOWN BY 16% BECAUSE WE'RE NOT PURCHASING THE MIXED PAPER
12 CARTS THIS YEAR SO IT WAS ARTIFICIALLY HIGH LAST YEAR. T&E
13 COMMITTEE RECOMMENDS APPROVAL OF THAT ONE. THE VACUUM LEAF
14 COLLECTION PROGRAM ISN'T IMPLEMENTED BY THE DIVISION OF SOLID
15 WASTE. IT'S ELSEWHERE IN D.P.W.T. BUT IT'S FUNDED THROUGH THE
16 SOLID WASTE SYSTEM. EXECUTIVE'S RECOMMENDING A \$4.7 MILLION
17 BUDGET FOR THAT. AGAIN, THIS JUST SERVES THE LOWER PART OF THE
18 COUNTY, SINGLE-FAMILY AND MULTI-FAMILY HOMES. YOU'LL SEE THE
19 RATES ON PAGE 22, \$74.28 FOR SINGLE-FAMILY HOUSEHOLDS. THIS IS
20 UP A BIT FROM LAST YEAR. MOST OF IT HAS TO DO WITH THE
21 REALLOCATION OF COSTS. MS. PRAISNER, YOU'VE ASKED ABOUT
22 DEPARTMENTS USE G.I.S. HERE'S AN EXAMPLE. THEY USED G.I.S.
23 TECHNOLOGY TO LOOK AT TREE COVER TO FIGURE OUT WHERE THE
24 LEAVES ARE AND READJUSTED THEIR FORMULA BASED ON THAT. AGAIN,
25 THE RATE SCHEDULE WILL BE DISCUSSED SHORTLY BUT THE T&E

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1 COMMITTEE IS RECOMMENDING APPROVAL OF THAT BUDGET AS
2 RECOMMENDED BY THE EXECUTIVE.

3

4 **COUNCIL PRESIDENT PEREZ:** DID YOU WANT TO ASK -- SHE HAD ONE
5 MORE QUESTION.

6

7 **COUNCILMEMBER PRAISNER:** I JUST HAD TWO COMMENTS. ONE IS A
8 QUESTION, FIRST OF ALL, ON THE BIGGER BAGS, THE BIGGER CART
9 BINS. FOLKS HAD THAT OPTION OF RETURNING IT IF THEY DIDN'T
10 WANT IT? I JUST WONDERED IF YOU HAD ANY SENSE OF RETURN. SINCE
11 I HEARD SIGNIFICANT COMPLAINTS IN THE BEGINNING ABOUT THE FACT
12 IT WOULD SIT IN THE STREET. MOST OF MY UNSCIENTIFIC REVIEW IS
13 THAT THE BINS HAVE BEEN MOVED BACK AND FOLKS AREN'T -- YOU
14 KNOW, THE FEARS THAT WERE GENERATED INITIALLY SEEM TO HAVE
15 ABATED. ALTHOUGH I'M SURE AFTER I MAKE THIS COMMENT PUBLICLY
16 OVER TELEVISION, MY E-MAILS AND PHONE CALLS WILL INCREASE
17 SIGNIFICANTLY AND I'LL PASS THOSE PROBLEMS ON TO YOU ALL. BUT
18 MY QUESTION IS, HAVE FOLKS RETURNED THEM?

19

20 **MR. WAGAMAN:** DAVE WAGAMAN, SOLID WASTE. WE'RE GETTING ABOUT A
21 5% RETURN RATE. WE HAVE ABOUT 120,000 CARTS OUT THERE RIGHT
22 NOW. AND WE'RE ACTUALLY GETTING SOME PEOPLE THAT RETURNED THEM,
23 A FEW WEEKS LATER CALLING US BACK AND WANTING THEM BACK. NOT A
24 HUGE NUMBER BUT WE'RE GETTING SOME PEOPLE --

25

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1 **COUNCIL PRESIDENT PEREZ:** YOU'RE MAKING THEM COMING OVER AND
2 PICK THEM UP, RIGHT

3

4 **MR. WAGAMAN:** YES. SO WE'RE DOING A LITTLE BIT OF SHUFFLING
5 THEM AROUND THE COUNTY AFTER WE DELIVER THEM.

6

7 **COUNCILMEMBER PRAISNER:** WHILE WE'RE TALKING ABOUT LEAF
8 VACUUMING, AN INTEREST OF MINE OBVIOUSLY BECAUSE WE'VE TALKED
9 ABOUT THE OPTION OF OPTING IN AS WELL AS OPTING OUT ISSUES.
10 BUT I THINK IT'S IMPORTANT, AGAIN, TO LET FOLKS KNOW THAT THE
11 GENERAL TAXPAYER IS NOT PAYING FOR LEAF VACUUMING FOR SOMEONE
12 ELSE, THAT IT IS ONLY THOSE AREAS WHERE THERE IS LEAF
13 VACUUMING IS THERE A LINE ITEM ON THEIR BILL THAT INCORPORATES
14 THIS. AND EVEN WITH A SIGNIFICANT INCREASE I KNOW THAT THIS IS
15 A VERY POPULAR PROGRAM. THE OTHER POINT I WOULD MAKE IS,
16 ALTHOUGH IT SAYS DOWN COUNTY, I THINK I WOULD CHARACTERIZE IT
17 AS VERY DOWN COUNTY, WHICH IS THE OLD SUBURBAN DISTRICT.
18 THERE'S A LOT OF SUBURBIA THAT AS GROWN UP AND A LOT OF TREES
19 THAT ARE LIVING, BOND-ELIGIBLE OR NOT, BEYOND A TEN- TO 15-
20 YEAR PERIOD, WHERE FOLKS WOULD LOVE THE OPTION OF RAKING
21 LEAVES TO THE CURB AND NOT HAVING TO GO THROUGH WHATEVER
22 PROCESS. SO I JUST LIKE TO MAKE THAT COMMENT. AND FOLKS, IF
23 THEY CAN GET TOGETHER A COMMUNITY, DO HAVE THAT OPTION NOW, AS
24 I RECALL, BUT IT IS AN ADDITIONAL FEE AND THERE HAS TO BE A

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1 SIGNIFICANT THRESHOLD NUMBER AND IT HAS TO BE CONTIGUOUS, AS I
2 RECALL, WITH THE AREAS WHERE THERE IS, SOME OR CLOSE TO IT.

3

4 **SPEAKER:** ALL THAT IS CORRECT.

5

6 **COUNCILMEMBER PRAISNER:** OKAY. THANKS.

7

8 **ARON TROMBKA:** OKAY. THE LAST COLLECTION PROGRAM IS THE
9 HOUSEHOLD WASTE COLLECTION, HAZARDOUS WASTE COLLECTION PROGRAM.
10 THIS IS THE FIRST YEAR THAT IT'S BEEN A PERMANENT ONGOING
11 PROGRAM WITH REGULAR HOURS EACH WEEK. THE EXECUTIVE'S
12 RECOMMENDING A BUDGET JUST UNDER A MILLION DOLLARS, ALMOST NO
13 CHANGE FROM THE CURRENT YEAR. AND T&E RECOMMENDS APPROVAL AS
14 PROPOSED BY EXECUTIVE. OKAY. SO WE CAN NOW SUMMARIZE IT ALL
15 WITH THE SOLID WASTE CHARGES. AND WE HAVE THE SCHEDULE ON PAGE
16 24 OF THE DIFFERENT RATES. AND I HAVE IN MY NOTES, MRS.
17 PRAISNER, YOU HAD A QUESTION ON PAGE 24?

18

19 **COUNCILMEMBER PRAISNER:** I'M LOOKING AT A VERY DRAMATIC 30%
20 INCREASE IN THE BASE SYSTEM BENEFIT CHARGE COST. AND I GUESS
21 THAT'S PART OF WHAT WE'VE JUST DISCUSSED ALL THE WAY THROUGH
22 BUT, OR AT LEAST PARTS OF IT. IT'S CERTAINLY NOT LEAF
23 VACUUMING, WHICH GOES UP 9%, ALMOST 10%. DISPOSAL CHARGE
24 DECREASES BUT I GUESS THAT MIGHT BE ADJUSTED DEPENDING UPON
25 WHAT HAPPENS WITH THE OTHER ISSUE WE JUST DISCUSSED. BUT CAN

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1 YOU -- AND THE INCREMENTAL SYSTEMS BENEFIT CHARGE DECREASES --
2 BUT THAT'S A DRAMATIC INCREASE, 30% INCREASE, ON THE BASE
3 SYSTEM BENEFIT CHARGE. AND I THINK WE NEED TO -- THE MULTI-
4 FAMILY ONE GOES UP AS WELL. THE DOLLAR AMOUNT IS LESS OF A
5 DOLLAR AMOUNT BUT THE MULTI-SYSTEM -- THE MULTI-FAMILY ONE
6 GOES UP AS WELL, A SIGNIFICANT PERCENTAGE. 75%. SO I'D LIKE TO
7 JUST HAVE YOU HIGHLIGHT WHAT THAT CONSTITUTES, WHY THAT CHARGE
8 IS THAT MUCH HIGHER.

9

10 **ARON TROMBKA:** I'M GOING TO ASK THE DEPARTMENT TO ANSWER THAT.
11 I JUST WANT TO REMIND COUNCILMEMBERS THAT WHAT THE RATEPAYER
12 SEE IS WHAT I'VE CONSOLIDATED, WHERE IT SAYS TOTAL CHARGES
13 HOUSEHOLD RECEIVING. AND SO THOSE -- ALL THE PUTS AND TAKES,
14 THE NET EFFECT IS BETWEEN, FOR A SINGLE FAMILY, BETWEEN 3.5
15 AND 5.2%. AND SO INCREASES IN ONE ARE OFFSET BY SOME DECREASES
16 IN ANOTHER. BUT FOR SPECIFIC LINE ITEMS, I'LL TURN IT OVER TO
17 BILL DAVIDSON.

18

19 **COUNCILMEMBER PRAISNER:** WELL, IF I CAN JUST ADD. INCREASES OR
20 DECREASES IN DIFFERENT PIECES SHOULD BE A FUNCTION OF THE COST
21 OF THAT SECTION, NOT TO KIND OF LEVEL OFF THE INCREASE. SO IT
22 REALLY SHOULD BE ONE OF JUSTIFICATION FOR EACH OF THEM. SO, IF
23 LEAF VACUUMING GOES UP 9.6%, NOT EVERYBODY SEES LEAF VACUUMING.
24 BUT THE COST OF VACUUMING LEAVES, YOU CAN SHOW THAT. IT'S
25 PRETTY QUANTIFIABLE AND PRETTY EASY TO DEMONSTRATE. THE

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1 DIFFERENCES AMONG DISPOSAL CHARGE REFUGE COLLECTION BASE
2 SYSTEM, ET CETERA, ARE HARDER, I THINK, TO SHOW AND HELPFUL IT
3 WOULD BE.

4
5 **MR. DAVIDSON:** BILL DAVIDSON, YOUR BUSINESS MANAGER FOR YOUR
6 ENTERPRISE FUNDS. THE HARDER BUT NOT TOO HARD TO EXPLAIN. THE
7 COUNTY BASE SYSTEM COSTS ARE THOSE SOLID WASTE COSTS THAT ARE
8 NOT COVERED BY A SPECIAL FEE SUCH AS LEAF VACUUMING, REFUSE
9 COLLECTION OR THE INCREMENTAL COSTS. INCREMENTAL CHARGES COVER
10 INCREMENTAL SERVICES, SERVICES THAT ARE INCREMENTAL TO BASE
11 SERVICES. SO, IF YOU NEED \$100 MILLION FOR THE WHOLE FUND,
12 TAKE OFF THE THINGS THAT ARE COVERED BY OTHER FEES AND THEIR
13 REVENUES, YOU ARE LEFT WITH A NUT, WHICH IS THE BASE SYSTEM
14 COST. SO, THE BASES AND COSTS ARE THEN OFF-SET BY REVENUES AND
15 FORECASTED REVENUES AND THEN WHAT'S LEFT IS DISTRIBUTED AMONG
16 THE SECTORS IN ACCORDANCE WITH THEIR PROPORTIONAL SHARE OF
17 WASTE GENERATION. THAT'S THE WAY IT IS DONE. SO IT'S A PRETTY
18 STRAIGHTFORWARD CALCULATION. THE BIG DIFFERENCES ARE THREE,
19 BETWEEN FY05 AND FY06. IN FY05 WE PROJECTED AND INCLUDED IN
20 THE BUDGET, AND AGAIN THE BUDGET IS DRIVEN BY ASSUMPTIONS, WE
21 INCLUDED IN THE BUDGET ENOUGH FUNDING IN THE BASE SYSTEMS FOR
22 RESOURCE RECOVERY FACILITY AND TRANSFER STATION AND
23 TRANSPORTING ASH, ET CETERA, THE BASIC DISPOSAL SYSTEM. WE
24 INCLUDED ENOUGH TO HANDLE \$180,000 TONS OF PROCESSABLE WASTE
25 AND IT'S A SUBSTANTIAL ASSUMPTION ABOUT NON-PROCESSABLES AS

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1 WELL. SO THAT WAS FY05, 180,000 TONS. FY06 WE'RE FORECASTING,
2 FOR BUDGET PURPOSES ONLY, 645,000 TONS OF PROCESSABLE WASTE.
3 THAT'S A BIG DIFFERENCE. AND THE OFFSETTING REVENUE IS AN
4 IMPORTANT EFFECT. OUR INCREMENTAL COSTS FOR PROCESSING WASTE
5 AT THE RESOURCE RECOVERY FACILITY ARE SUBSTANTIALLY LESS THAN
6 THE REVENUES YOU GET FROM THE TIPPING FEE. SO WHEN WE FORECAST
7 A LESSER AMOUNT, INCLUDED IN OUR BUDGET, A LESSER AMOUNT FOR
8 BASE SYSTEM COST, THERE' A MUCH LESS OFFSETTING REVENUES,
9 BECAUSE THE TIPPING FEES THAT WE WERE GOING TO GET, \$52 A TON,
10 WERE MUCH MORE THAN WE NEEDED TO HANDLE THOSE TONS. AND LASTLY,
11 THE OFFSET IS THE -- THIS OPEN-TOP ROLL-OFF BOX FEE, WHICH
12 LAST YEAR CAME INTO EFFECT. WE ARE NOT EXPECTING REVENUE FROM
13 THAT FOR FY0 -- I THINK IT WOULD BE ILL-ADVISED TO PROJECT
14 REVENUE FROM THAT FEE FOR NEXT YEAR. SO, THOSE HAVE -- THOSE
15 OFFSETTING EFFECTS RESULT IN EXACTLY THE SAME CALCULATION AS
16 PRIOR YEARS. THE BASE SYSTEM COST FOR EACH SECTOR IS
17 DISTRIBUTED ACCORDING TO EACH SECTOR, ACCORDING TO EACH
18 SECTOR'S WASTE GENERATION RATE AND THEN OFFSET BY REVENUES WE
19 EXPECT FROM THOSE SECTORS. SO THOSE ARE THREE MAJOR EFFECTS.
20 AND IT'S STRAIGHTFORWARD.

21
22 **COUNCILMEMBER PRAISNER:** LET ME JUST ONE MORE QUESTION. I DON'T
23 WANT TO PROLONG THIS TOO LONG BUT I DO THINK THERE HAS IN THE
24 PAST BEEN LATITUDE OR SHIFTING FROM ONE SEGMENT TO ANOTHER
25 FROM A STANDPOINT OF MULTI-FAMILY OR SINGLE FAMILY, AS WE JUST

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1 DISCUSSED, ASSUMPTIONS OF RECYCLING, ASSUMPTIONS OF LEAF
2 VACUUMING. THOSE HAVE AN EFFECT ON A COMPONENT, WHATEVER THAT
3 MIGHT BE. AND SO WHILE I UNDERSTAND WHAT YOU'RE SAYING, I
4 THINK THERE HAVE BEEN OCCASIONS, MAYBE NARROW, WE JUST
5 DISCUSSED ONE, WHERE FOLKS HAVE TALKED ABOUT THE DISTRIBUTION
6 WITHIN THE COMPONENTS AND WHETHER IT'S MULTI-FAMILY, SINGLE-
7 FAMILY OR WITHIN THOSE ELEMENTS. THIS IS ALL GOING TO SHOW UP
8 FOR FOLKS ON THEIR PROPERTY TAX BILL. IT'S GOING TO SHOW UP AS
9 A FEE THAT IS DRAMATICALLY MORE -- OR COULD BE DRAMATICALLY
10 MORE THAN WHAT THEY THOUGHT IT WAS GOING TO BE. SO I'M JUST
11 MAKING THAT POINT, THAT I THINK THERE IS A CONCERN IF THESE
12 NUMBERS CONTINUE TO ESCALATE AS MUCH AS THEY ARE SHOWING.

13

14 **MR. WAGAMAN:** I WANT TO POINT OUT THAT THE -- WE DECOMPOSE IT
15 ON THE WEBSITE. UNFORTUNATELY THERE IS ONE LINE, AS YOU
16 POINTED OUT VERY ACCURATELY, IT'S ONLY ONE LINE ON THE SOLID
17 WASTE SO IT COULD BE FIVE DIFFERENT CHARGES ADDING UP ON ONE
18 LINE. BUT WE DO HAVE MORE AND MORE PEOPLE HITTING OUR -- WE
19 WATCH THE WEBSITE. MORE AND MORE PEOPLE HIT AND THEY SPEND
20 MORE TIME. SO WE'RE SEEING PEOPLE LOOKING AT -- THAT'S WHERE
21 WE DECOMPOSE IT IN THE FIVE POSSIBLE CHARGES AND WE EXPLAIN
22 HOW THE CHARGES ARE CONSTRUCTED AS WELL. I MIGHT ADD THAT WE
23 INCLUDE -- THERE IS A CHART THAT SHOWS THE ACTUAL CHARGES.
24 WE'RE NOT THAT -- IN TERMS OF BASE AND INCREMENTAL CHARGES,
25 WE'RE NOT EVEN BACK UP TO WHERE WE WERE BACK IN 1997. SO,

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1 WE'VE BEEN HOLDING A LINE AS FAR AS CHARGES. WE HAVEN'T GONE
2 UP. WHERE WE'VE GONE UP IS IN THE --

3

4 **COUNCILMEMBER PRAISNER:** WELL, WHILE I APPRECIATE THAT, THE
5 FACT IS THAT FOLKS ARE GETTING ONE BILL, BOTTOM LINE, AND
6 BECAUSE OF A VARIETY OF ISSUES, WHETHER IT'S ASSESSMENTS OR
7 FEES GOING UP BECAUSE THE COST OF THAT SERVICE HAS GONE UP,
8 THE BILL IS LARGER.

9

10 **ARON TROMBKA:** OKAY, I WANT TO GET TO THE DECISION ITEMS RIGHT
11 NOW. THE THREE EASIEST ONES ARE IN 26 AND 27. COMMITTEE'S
12 RECOMMENDING APPROVAL OF THE TIP FEES FOR THE RECYCLING TIP
13 FEE, THE REFUSE COLLECTION AND THE LEAF COLLECTION FEES. T&E
14 RECOMMENDS APPROVAL OF THOSE AS OPPOSED BY THE EXECUTIVE. THE
15 NEXT DECISION, NOW WOULD BE THE TIME, HAVING GONE THROUGH
16 EVERYTHING, FOR THE FULL COUNCIL TO MAKE THE DECISION ON THE
17 TIP FEE FOR REFUSE. AGAIN, THE CURRENT RATE IS \$52 PER TON.
18 THE EXECUTIVE RECOMMENDS \$52 PER TON AND THE T&E COMMITTEE, A
19 MAJORITY RECOMMENDED THE EXACT, \$52 PER TON AS THE EXECUTIVE
20 HAD RECOMMENDED.

21

22 **COUNCIL PRESIDENT PEREZ:** MR. KNAPP?

23

24 **COUNCILMEMBER KNAPP:** I GUESS I WOULD JUST BE CURIOUS AS TO HOW
25 THE COMMITTEE HAD REACHED THAT CONCLUSION. I DON'T HAVE STRONG

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1 FEELINGS BUT IT WOULD BE WORTHWHILE TO UNDERSTAND KIND OF THE
2 THOUGHT.

3

4 **COUNCIL PRESIDENT PEREZ:** I MEAN, WE HAD A LONG DISCUSSION
5 ABOUT THIS AND WE DISCUSSED WHETHER TO RAISE THE TIP FEE. FOR
6 ME, AGAIN, THE TWO THINGS THAT I HAVE FOUND PERSUASIVE IN THE
7 END WERE THE FACT THAT THEIR ESTIMATES BUILD IN A FAIRLY
8 SIGNIFICANT CUSHION. SO THE 645 IS A WORST-CASE SCENARIO.
9 ROUGHLY 25,000 ABOVE WHAT THEY'RE EXPECTING. AND THEN SECONDLY,
10 THE FACILITY IN CLARKSBURG, WHICH THEY ANTICIPATE BEING OPEN
11 TO PRIVATE HAULERS IN THE NEAR FUTURE, IS ANOTHER FACTOR THAT
12 WILL BRING IT DOWN. SO I WILL BE THE FIRST -- WELL, ACTUALLY
13 ARON IS THE FIRST. SO I WILL BE THE SECOND TO ACKNOWLEDGE THAT
14 IT'S CERTAINLY AN ART AS OPPOSED TO A SCIENCE.

15

16 **ARON TROMBKA:** WE HAVE TWO ARTS, ACTUALLY.

17

18 **COUNCIL PRESIDENT PEREZ:** THAT WAS -- YES. [LAUGHTER]

19

20 **COUNCIL PRESIDENT PEREZ:** THAT WAS THE LOGIC. AND WE DID
21 DISCUSS IT AT SOME LENGTH. THAT WAS THE RECOMMENDATION OF THE
22 COUNTY EXECUTIVE AND, IN THE END, WE AGREED. ALTHOUGH IT
23 CERTAINLY CONSUMED A FAIR AMOUNT OF TIME. I DON'T KNOW IF MY
24 COLLEAGUES ON THE COMMITTEE WANT TO ADD ADDITIONAL --

25

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1 **ARON TROMBKA:** SO I WILL ASSUME THAT THE COUNCIL IS GOING ALONG
2 WITH THE T&E COMMITTEE RECOMMENDATION. THE LAST DECISION THEN,
3 HAS TO DO WITH THE CHANGES IN THE SYSTEM BENEFIT CHARGES AND
4 THE OTHER CHARGES BASED ON THE T&E RECOMMENDATIONS. AND HERE
5 WE'RE AT A LITTLE BIT OF A DISADVANTAGE BECAUSE, AS I
6 MENTIONED BEFORE, THAT INFORMATION CHANGED AFTER THE T&E
7 COMMITTEE COMPLETED ITS WORK. SO IF YOU LOOK AT THE BOTTOM OF
8 PAGE 25 THAT WAS THE -- THE EFFECT AS WE KNEW OF TWO DAYS AGO.
9 WHAT I'VE HANDED OUT IS THE NEW RATE SCHEDULE. IF YOU WOULD
10 BUDGET -- OR ASSUME FOR RATE-SETTING PURPOSES, \$106,000. AND
11 WHAT STAFF'S RECOMMENDING IS THAT IN ORDER TO MAKE ROOM FOR
12 THIS, SHOULD IT BE NEEDED, THAT YOU APPROVE THE CHARGES ON --
13 THAT CONSOLIDATE THE HEALTH COST, BENEFIT COST BUT ALSO
14 CONSOLIDATE THE ELIMINATION OF FUNDING FOR RECYCLING CALENDAR
15 ON THE BOX THAT'S IN THE HANDOUT. I WOULD ALSO SUGGEST THAT IN
16 ORDER TO GIVE THE DEPARTMENT AS MUCH LEVERAGE AS POSSIBLE,
17 THAT WE KEEP THE BUDGET LEVEL AT WHERE IT WAS ON LEAVING T&E.
18 SO WE WOULD RAISE THE RATES FOR THIS, IF NECESSARY, BUT NOT
19 ADJUST THE BUDGET ABOVE THE \$56,000 THAT T&E HAD RECOMMENDED.
20 AND I THINK THAT ALLOWS US TO ACHIEVE BOTH OUR FISCAL AND OUR
21 POLICY GOALS.

22
23 **COUNCIL PRESIDENT PEREZ:** NO LIGHTS.

24
25 **ARON TROMBKA:** WE ARE DONE.

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1

2 **COUNCIL PRESIDENT PEREZ:** OKAY. THANK YOU FOR YOUR HARD WORK,
3 AS ALWAYS. THANK YOU TO OUR FRIENDS AT THE -- THE ARTS AND
4 OTHERS WHO DO SUCH FINE WORK. AND THANK YOU FOR YOUR
5 PRESENTATION. LET'S TURN TO THE FLEET MANAGEMENT MOTOR POOL
6 FUND CONTRIBUTION, N.D.A. TURN IT OVER TO MS. FLOREEN.

7

8 **COUNCILMEMBER FLOREEN:** GIVE EVERYBODY A MINUTE TO SETTLE IN.

9

10 **COUNCIL PRESIDENT PEREZ:** AND, RIGHT PEOPLE CAN IDENTIFY
11 THEMSELVES AS WE BEGIN SO THAT OUR CAPTIONERS WILL KNOW WHO
12 EVERYBODY IS.

13

14 **COUNCILMEMBER FLOREEN:** WELL, YOU KNOW, MR. PRESIDENT, WE ARE
15 RUNNING A COUPLE HOURS LATE. MAYBE THE COUNCIL WOULD JUST LIKE
16 TO APPROVE THE D.P.W.T. BUDGETS AND WE COULD --

17

18 **COUNCIL PRESIDENT PEREZ:** EN MASSE. RIGHT. [LAUGHTER]

19

20 **COUNCILMEMBER FLOREEN:** WE HAVE A NUMBER OF AGENDA ITEMS,
21 DEFERRAL FROM THIS MORNING, 9, 10, 11, 12 AND -- LET'S SEE,
22 AND 18. I WANTED TO JUST MAKE A COUPLE COMMENTS ABOUT THE
23 D.P.W.T. BUDGETS ALTOGETHER BEFORE WE GET INTO THE DETAILS
24 BECAUSE THEY ARE DISTINCT BUT THEY ALSO ARE RELATED. THIS IS
25 NOT UNLIKE THE PARK AND PLANNING COMMISSION. WE TOOK THEM

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1 THROUGH A LOT OF REALLY VERY INTENSE SCRUTINY. AND ON THE
2 OPERATING BUDGET SIDE, FROM -- WE -- IN THE GENERAL FUND THE
3 COMMITTEE RECOMMENDATION IS FOR FACILITIES, AN 11.7% INCREASE
4 OVER LAST YEAR'S. THAT'S A \$2.495 MILLION INCREASE. AND THAT'S
5 PRIMARILY GOING TO THE ISSUE OF MAINTENANCE. ON THE
6 TRANSPORTATION SIDE THE COMMITTEE RECOMMENDS A \$6 MILLION
7 INCREASE, WHICH IS A \$2.153 MILLION INCREASE. MASS TRANSIT,
8 THE COMMITTEE RECOMMENDS AN 8.1% INCREASE. THAT'S A \$7.2
9 MILLION INCREASE OVER '05. AND IN FLEET MANAGEMENT, IT
10 RECOMMENDS A 5.9% INCREASE, OR \$2.480 MILLION INCREASE OVER
11 '05. WE HAVE EXCLUDED THE PARKING AND SOLID WASTE OPERATIONS
12 BECAUSE THEY'RE SEPARATE FUNDS. BUT, IN TOTAL, WHAT THE D.P.W.
13 -- WHAT THE T&E COMMITTEE RECOMMENDS FOR THESE FUNDS ADDS UP
14 TO A \$213 MILLION INCREASE OVER '05. A \$213 MILLION BUDGET,
15 WHICH IS \$14 MILLION OVER '05 FOR 7.2% INCREASE. WE CUT ABOUT
16 \$2.5 MILLION IN VARIOUS AREAS. AND WE'LL GO THROUGH THE
17 DETAILS IN A BIT. ON -- SINCE I'M DOING A SUMMARY I'LL JUST
18 SAY, ANTICIPATING SOME LATER DISCUSSION, ON THE C.I.P. SIDE,
19 WE ACKNOWLEDGE THERE'S ABOUT \$6.5 MILLION IN NATURAL DELAY OF
20 TRANSPORTATION PROJECTS. THERE ARE FOUR PROJECTS THAT -- FOR
21 WHICH SOME FUNDING IS GOING TO BE DELAYED WITHOUT AN IMPACT,
22 AT LEAST SO FAR ON THE COMPLETION YEAR. THAT INCLUDES THE
23 BROOKEVILLE FACILITY, SILVER SPRING TRANSIT FACILITY, MONTROSE
24 PARKWAY, AND TRAVILLA ROAD. TWO PROJECTS HAVE SOME DELAY THAT
25 DOES AFFECT THEIR DATE BUT THERE ARE GOOD POLICY REASONS FOR

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1 THEM. ONE IS THE SILVER SPRING GREEN TRAIL, THE OTHER IS THE
2 E.M.O.C. FACILITY, ABOUT WHICH I KNOW THE DEPARTMENT IS NOT
3 HAPPY. WE ALSO RECOMMENDED A CUT IN SCOPE ON THE RIDE-ON FLEET
4 EXPANSION. WE ADDED, THOUGH, FUNDING FOR THE SHADY GROVE BIKE
5 PATH, FACILITY PLANNING, CENTRAL AVENUE. MR. ANDREWS IS
6 INTERESTED IN THAT, I KNOW. GUARDRAILS, RESURFACING ON PRIMARY
7 ARTERIAL ROADS, SIDEWALKS, STREET TREES AND STREET LIGHTING.
8 SO, OVERALL, WHAT WE TRIED TO DO IN THIS BUDGET IS RECOGNIZE
9 THE NEED FOR SOME FISCAL CAUTION BUT AT THE SAME TIME,
10 PRIORITIZE COMMUNITY MAINTENANCE KINDS OF ISSUES, AS WELL AS
11 MOVE US FORWARD TO THE EXTENT FEASIBLE IN A VARIETY OF GENERAL
12 FUND AREAS. SO WITH THAT, THE FIRST ITEM IS AGENDA 10 ON FLEET
13 MANAGEMENT. AND FOLKS, YOU'D LIKE TO IDENTIFY YOURSELVES FOR
14 THE RECORD.

15
16 **MS. SUBADAN:** SHARON SUBADAN.

17
18 **COUNCILMEMBER FLOREEN:** MR. HOLMES, ART.

19
20 **MR. HOLMES:** ART HOLMES.

21
22 **MR. MOIER:** BRUCE MOIER.

23
24 **COUNCILMEMBER FLOREEN:** AND ART, DID YOU WANT TO MAKE ANY
25 OVERALL COMMENTS ABOUT WHAT WE'VE BEEN DOING TODAY?

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1

2 **MR. HOLMES:** ARE WE EVER. LONG AFTERNOON. I WOULD LIKE TO HAVE
3 SOME TIME AT LATER ELEMENT HERE THAT WE'RE GOING TO TALK ABOUT,
4 SO.

5

6 **COUNCILMEMBER FLOREEN:** SURE, SURE. OKAY. THE FIRST ITEM, THEN,
7 IS THE FLEET MANAGEMENT PROGRAM. BASICALLY, WHAT THE COMMITTEE
8 RECOMMENDED IS ADDING NEW -- THE MAIN ISSUE HERE HAD TO DO
9 WITH THE C.N.G. FAST-BUILD PROPERTY IN SHADY GROVE. AND
10 BASICALLY THE COMMITTEE'S RECOMMENDATION WAS TO FUND BASICALLY
11 A BACKUP SITE TO SERVICE THE SMALLER VEHICLES. THAT IS BECAUSE
12 PRIVATE USERS PAY PART OF THE EXPENSES WITH THE NEEDED
13 EQUIPMENT REPLACEMENT, THE RECOMMENDATION OF THE COMMITTEE WAS
14 TO ASSESS A FEE TO THOSE OTHER USERS TO BALANCE OFF -- UP THE
15 COST. THAT'S ON PAGE SEVEN OF THE REPORT. TOM, YOU'LL HAVE TO
16 LET ME KNOW IF FOLKS HAVE ANY QUESTIONS.

17

18 **COUNCIL PRESIDENT PEREZ:** RIGHT. NO LIGHTS AT THE MOMENT.

19

20 **COUNCILMEMBER FLOREEN:** AND THEN THE OTHER DECISION, WHICH WAS
21 NOT AN EASY ONE, BUT GIVEN OUR OBJECTIVE OF TRYING TO FIND
22 SOME FISCAL CONTROLS HERE, WE RECOMMENDED REDUCING THE VEHICLE
23 REPLACEMENT FUND BY \$434,850. THAT TRANSLATES INTO CHARGE-
24 BACKS TO USING DEPARTMENTS FOR REPLACEMENT OF VEHICLES,
25 MAINTENANCE AND OTHER COSTS THAT WOULD AFFECT THE CAPITAL

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1 OUTLAY. WE DID NOT DETERMINE -- PROVIDE A STRUCTURE FOR
2 ALLOCATING THIS REDUCTION. WE LEFT IT TO THE DEPARTMENT.

3

4 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER HAS HER LIGHT ON.

5

6 **COUNCILMEMBER FLOREEN:** SURE.

7

8 **COUNCILMEMBER PRAISNER:** WELL, I WANT TO RELATE THIS TO THE
9 M.F.P. DISCUSSION EVERY JANUARY OR SO ON TAKE-HOME VEHICLES
10 AND ON MOTOR POOL VEHICLES AND THE NUMBER, ET CETERA. IT SEEMS
11 TO ME THAT THE COMMITTEE'S RECOMMENDATIONS -- WELL, I HAD TWO
12 QUESTIONS. ONE, I'M NOT -- I SUPPORT THE COMMITTEE'S
13 RECOMMENDATION AND I THINK, THOUGH, THAT THERE ARE BIGGER
14 ISSUES AND I WOULD INVITE THE T&E COMMITTEE PERHAPS FOR OUR
15 NEXT DISCUSSION TO SHAPE THIS AS HOW MANY MOTOR POOL VEHICLES
16 WE HAVE AND HOW MANY TAKE-HOME VEHICLES WE ENCOURAGE AND HOW
17 MUCH OF REIMBURSEMENT TO EMPLOYEES WHEN THEY USE THEIR OWN CAR
18 ISSUES AND WHETHER WE HAVE -- WE SHOULD REEXAMINE ALL OF THE
19 POLICIES, INCLUDING WHO GETS A FREE RIDE AS FAR AS A TAKE-HOME
20 VEHICLE ISSUE AND THEN SUPPOSED TO PAY BACK IN A TAX BENEFIT
21 VERSUS PAYING US FOR THE TAKE-HOME VEHICLE. AND I THINK THOSE
22 ISSUES NEED TO BE EXAMINED AGAIN IN THE LONG-RUN. THE OTHER
23 ISSUE IS THE MAINTENANCE RESPONSIBILITY AND DAMAGED VEHICLE
24 ISSUE, WHICH WE'VE HAD. I THANK SHARON FOR HER INPUT IN OUR
25 CONVERSATIONS UNDER THE RISK MANAGEMENT ISSUE. WE FOCUSED

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1 MOSTLY ON PUBLIC SAFETY, P.P.V.S AND THE NUMBERS THERE. BUT I
2 THINK THE WHOLE ISSUE OF HOW MANY VEHICLES WE HAVE, THE
3 POLICIES UNDER WHICH WE OPERATE THEM, HOW MANY MOTOR -- WHO'S
4 MAKING THE JUDGMENTS ABOUT MOTOR POOL VEHICLES OR VEHICLES
5 ASSIGNED TO INDIVIDUAL DEPARTMENTS, WHETHER THEY'RE TAKE-HOME
6 OR OTHERWISE, ARE COMPREHENSIVE ISSUES THAT I THINK WOULD
7 BENEFIT FROM AN EXAMINATION. AND IN THE INTERIM TAKING WHAT
8 THE T&E COMMITTEE SUGGESTS. AND I REALIZE THAT'S ONLY ONE
9 COMPONENT OF THE VEHICLES WE'RE TALKING ABOUT BUT SOME OF THE
10 VEHICLES I HAVE SEEN BEING TAKEN HOME NOW ARE NOT NECESSARILY
11 SEDANS. SO I THINK THIS IS A COMPREHENSIVE ISSUE. I WOULD
12 INVITE FOLKS TO HELP US SHAPE THAT DISCUSSION NEXT JANUARY.
13 AND IT GOES BEYOND THE COUNTY GOVERNMENT TO OTHER AGENCIES AS
14 WELL.

15

16 **COUNCIL PRESIDENT PEREZ:** OKAY.

17

18 **COUNCILMEMBER FLOREEN:** LET ME JUST SAY THAT WE OTHERWISE
19 AGREED WITH THE PROPOSED BUDGET FROM FLEET MANAGEMENT. SHARON,
20 DID YOU WANT TO SAY ANYTHING ABOUT ANY OF THIS? NO? YOU'RE
21 JUST AS HAPPY AS A CLAM. SONYA, DID WE LEAVE ANYTHING OUT?

22

23 **SONYA:** NO, YOU GOT IT ALL.

24

25 **COUNCILMEMBER FLOREEN:** OKAY.

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1

2 **COUNCILMEMBER PRAISNER:** I HAVE A QUESTION ABOUT WHERE DO WE
3 GET INTO THE DISCUSSION OF KIND OF VEHICLES PURCHASED, C.N.G.
4 ET CETERA QUESTION, LATER?

5

6 **COUNCILMEMBER FLOREEN:** THAT'S LATER.

7

8 **COUNCILMEMBER PRAISNER:** LATER, OKAY.

9

10 **COUNCILMEMBER FLOREEN:** WELL, THERE WAS A FACILITIES ISSUE, AS
11 I MENTIONED, MRS. PRAISNER.

12

13 **COUNCILMEMBER PRAISNER:** I AGREE WITH THAT.

14

15 **COUNCILMEMBER FLOREEN:** OKAY. ALL RIGHT.

16

17 **COUNCIL PRESIDENT PEREZ:** WELL, I THINK THAT TAKES CARE OF --

18

19 **COUNCILMEMBER FLOREEN:** NUMBER TEN.

20

21 **COUNCIL PRESIDENT PEREZ:** THAT TAKES CARE OF NUMBER 10.

22

23 **COUNCILMEMBER FLOREEN:** THAT TAKES CARE OF THE FLEET.

24

25 **COUNCIL PRESIDENT PEREZ:** NUMBER 11?

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1

2 **COUNCILMEMBER FLOREEN:** MRS. PRAISNER'S ON.

3

4 **COUNCIL PRESIDENT PEREZ:** LEASES.

5

6 **COUNCILMEMBER PRAISNER:** OKAY. THE MANAGEMENT AND FISCAL POLICY
7 COMMITTEE REVIEWED THE ISSUE OF LEASES AND ACTUALLY WE FOCUSED,
8 SINCE THAT NOW SHOWS UP AS A NON-DEPARTMENTAL ACCOUNT, WE
9 FOCUSED ON THE NEW LEASES ISSUES, NOT ON THE EXISTING LEASES
10 BECAUSE OBVIOUSLY IT'S LIKE DEBT SERVICE. YOU CAN'T, ALTHOUGH
11 PERHAPS YOU MIGHT ENCOURAGE SOME RENEGOTIATION BUT IT'S HARD
12 TO TERMINATE EXISTING LEASES OR MODIFY EXISTING LEASES. THAT
13 SAID, WE HAD THE EXECUTIVE'S REQUEST IN HIS BUDGET FOR ALMOST
14 \$13 MILLION IN LEASE REQUIREMENTS AND WITH MOST OF THAT
15 OBVIOUSLY COMING FROM EXISTING LEASES. THE -- ABOUT 11 OF THAT,
16 ABOUT 2 OF IT COMES FROM NEW LEASES. AND THERE WAS ALSO AN
17 AMENDED PIECE THAT CAME OVER ON APRIL 25TH. WE ASKED SOME
18 QUESTIONS ABOUT THE LEASES AND THE COMPONENTS THEREOF AND HAVE
19 SOME GOOD NEWS WHEN IT COMES TO REDUCING THE REQUESTS THAT
20 REALLY ARE FROM HAVING THAT REVIEW. NUMBER ONE, THE FIRST
21 ISSUE WAS A LEASE THAT IS IN THE BUDGET TO PAY THE STATE FOR
22 USING THE ROCKVILLE LIBRARY IN THAT INTERIM PERIOD BETWEEN
23 WHEN THE COURTHOUSE -- COURT TAKES OVER AND OUR NEW LIBRARY IS
24 BUILT. THE FACT, THOUGH, IS THAT THE STATE ITSELF DELAYED THE
25 IMPLEMENTATION TIME PERIOD RELATED TO THE COURT, SO THE COUNTY

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1 DOES NOT HAVE TO PAY THE STATE FOR LEASING THE ROCKVILLE
2 LIBRARY. AND THAT'S A SAVINGS OF \$300,000. THE THIRD ITEM IN
3 THAT PACKET IS THE NEXT ONE I'D LIKE TO TALK ABOUT. THAT IS,
4 LEASING SPACE FROM THE BOARD OF EDUCATION IN CONNECTICUT PARK
5 ELEMENTARY SCHOOL FOR CHILDCARE. THAT IS THE IMPLEMENTATION OF
6 THE PLAN THAT WE HAVE FOR PROVIDING CHILDCARE IN SCHOOLS -- IN
7 OPERATING SCHOOLS. THE REALITY IS, THAT AS YOU KNOW FROM
8 HAVING REVIEWED THE CAPITAL BUDGET, THE CONNECTICUT PARK
9 SCHOOL IS NOT OPEN UNTIL AUGUST -- UNTIL FY07, SO THE AMOUNT
10 OF \$40,000 REALLY DOESN'T SHOW UP AND WON'T SHOW UP UNTIL THE
11 NEXT FISCAL YEAR AND NOT THIS ONE. SO WE CAN REDUCE THAT
12 AMOUNT AS WELL. THE FINAL ITEM IS THE GAITHERSBURG EMPLOYMENT
13 CENTER. AS YOU KNOW, THIS IS ANOTHER INITIATIVE, A NEW
14 INITIATIVE DEALING WITH DAY LABORERS IN THE GAITHERSBURG AREA
15 THAT IS A PARTNERSHIP WITH THE COUNTY GOVERNMENT AND THE CITY
16 OF GAITHERSBURG. AND WE'RE LOOKING AT LEASED SPACE IN THIS
17 SITUATION. WE HAD SOME CONVERSATION WITH THE CITY OF
18 GAITHERSBURG. AND I THINK THERE IS AN EXPECTATION THE CITY
19 WILL BE WORKING WITH THE REGIONAL SERVICES CENTER, THE COUNTY
20 GOVERNMENT AND OTHERS ON THIS INITIATIVE. THE ITEM -- IT SHOWS
21 UP ACTUALLY IN THE REGIONAL SERVICE CENTER BUDGET, THE WAY IT
22 CAME OVER IN THE SUPPLEMENTAL, BUT WE DEALT WITH IT AS A LEASE
23 BECAUSE IT'S MORE APPROPRIATELY A LEASE THAN A REGIONAL
24 SERVICE CENTER OPERATIONS RESPONSIBILITY. SINCE IT WAS AN
25 AMENDMENT TO THE EXECUTIVE'S BUDGET THE DOLLAR AMOUNT, WHICH I

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1 THINK IS NET AT THIS POINT WITH THE CONTRIBUTIONS AND
2 DISCUSSIONS THAT WE'VE HAD ABOUT THE LEASE COST, THE COST OF
3 THE PROGRAM, WHERE THE RECOMMENDATION, I THINK, IS \$115,500,
4 AND THAT NEEDS -- THAT'S THE LEASE -- THAT NEEDS TO GO ON THE
5 RECONCILIATION LIST, RIGHT? BECAUSE THAT, THE REQUEST -- THE
6 COMMITTEE SUPPORTED IT, IT'S JUST A MATTER OF WHEN IT CAME
7 OVER AND THE TECHNICALITY.

8

9 **COUNCIL PRESIDENT PEREZ:** MR. KNAPP HAD HIS LIGHT ON.

10

11 **COUNCILMEMBER PRAISNER:** YEAH, I THINK IF I COULD JUST FINISH.

12

13 **COUNCIL PRESIDENT PEREZ:** OKAY.

14

15 **COUNCILMEMBER PRAISNER:** THERE IS AN OVERALL ISSUE THAT THE
16 COUNCIL -- THAT THE M.F.P. WILL BE LOOKING AT AND I'D LIKE TO
17 HAVE A RECAP ON BECAUSE WE'RE NOW FOCUSING ON THE FULL, THESE
18 LEASES ISSUES, IS THIS SUMMER HOPEFULLY -- OR EARLY FALL IF
19 NECESSARY, WE'LL HAVE TO WORK ON SCHEDULING. I THINK IT IS
20 TIME FOR US TO HAVE AN UPDATE ON THE CORE, ROCKVILLE CORE
21 DISCUSSION, FROM A STANDPOINT OF UNDERSTANDING. WE HAVE THE
22 OFFICE OF ECONOMIC DEVELOPMENT NEW LEASE SPACE THAT WE HEARD
23 ABOUT. I THINK WE NEED TO UNDERSTAND WHERE WE ARE WITH THE
24 ROCKVILLE CORE STUDY. I WANT TO FOLD INTO THAT ISSUE AN
25 OPPORTUNITY FOR THE COUNTY COUNCIL TO DISCUSS THIS OFFICE

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1 BUILDING -- COUNCIL OFFICE BUILDING. WE'VE TALKED ABOUT THE
2 ISSUE OF -- THE THIRD-FLOOR HEARING ROOM IS A SEPARATE ISSUE
3 BECAUSE OF ACCESS FOR INDIVIDUALS WHO HAVE DIFFICULT ACCESSING
4 IT, THE ACOUSTICS, ET CETERA. BUT I THINK THE INTERIOR OF THE
5 BUILDING, THE USE OF THE BUILDING ARE ISSUES THAT THE FULL
6 COUNCIL NEEDS TO LOOK AT, ESPECIALLY AS WE LOOK AT, BY '07,
7 '08 -- BY '08. LOOK AT PERHAPS -- WELL, WE LOOK AT WITH '08,
8 IF WE CAN KEEP TO THE BUDGET AN ASSUMPTION OF ADDITIONAL STAFF
9 SUPPORT FOR THE COUNCIL, ET CETERA. I THINK WE NEED TO LOOK AT
10 THE DEPARTMENTS IN THE BUILDING. I'VE ALREADY RAISED THE ISSUE
11 OF THE HEARING EXAMINER, BOARD OF APPEALS, THE PEOPLE'S
12 COUNSEL SPACE NOT BEING WELL-DEFINED. SO THERE IS, I THINK, A
13 NEED TO LOOK AT THIS BUILDING, WHICH IS GETTING PRETTY OLD
14 FROM AN INTERIOR PERSPECTIVE. WELL-MAINTAINED BY THE
15 DEPARTMENT AND VERY RESPONSIVE WHEN ISSUES COME UP. BUT I
16 THINK THE SPACE WITHIN THIS BUILDING NEEDS TO BE REEXAMINED,
17 THE WAY IT'S CONFIGURED AND ALSO THE NEEDS WITHIN THAT. AN I
18 WOULD FOLD THAT INTO THE ROCKVILLE CORE STUDY. SO, I KNOW MR.
19 KNAPP WANTED --

20
21 **COUNCILMEMBER KNAPP:** YES. I JUST WANT TO THANK THE COMMITTEE
22 FOR THEIR CONSIDERATION OF GAITHERSBURG EMPLOYMENT CENTER.
23 KATHY MATTHEWS FROM THE UPCOUNTY SERVICES CENTER, THE CITY, MY
24 OFFICE AND A VARIETY OF OTHER FOLKS, IN PARTICULAR A NUMBER OF
25 CHURCHES HAVE BEEN WORKING VERY CLOSELY OVER THE COURSE OF THE

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1 PAST MONTH SINCE A NOVEMBER, DECEMBER TIMEFRAME TO TRY AND PUT
2 TOGETHER A PROPOSAL. AND SO ALL OF THOSE ORGANIZATIONS WILL
3 WORK IN CONCERT. AND I HAD HOPED THAT THIS WOULD HAVE COME
4 OVER AS A PART OF THE EXECUTIVE'S BUDGET. SO I APPRECIATE THE
5 COUNCIL'S -- THE COMMITTEE'S CONSIDERATION IN LIGHT OF THE
6 AMENDMENT THAT WAS PRESENTED. I THINK IT'S IMPORTANT AND WHAT
7 WE'VE TRIED TO DO IS TO REALLY FOCUS ON THE MODEL THAT HAD
8 BEEN PUT TOGETHER IN WHEATON, TO TRY AND MAKE SURE WE'RE
9 REPLICATING THE TYPES OF SERVICES AND BUILDING ON WHAT WE HAVE
10 ALREADY DONE AS A COUNTY. AND SO I THINK EVERYBODY FOR THE
11 RECORDS, KATHY AND THE CITY AS WELL. AND WE LOOK FORWARD TO
12 MOVING AHEAD WITH IT.

13
14 **COUNCIL PRESIDENT PEREZ:** IS THE GAITHERS -- IS THE DAY LABOR
15 CENTER IN GAITHERSBURG -- IS THE CITY OF GAITHERSBURG GOING TO
16 BE PICKING UP PART OF THE TAB, LIKE IN TAKOMA PARK?

17
18 **COUNCILMEMBER PRAISNER:** THAT'S THE CONVERSATION WE HAD. WE HAD
19 -- IN FACT WE HAD TWO MEETINGS IN ORDER TO ALLOW THE CITY OF
20 GAITHERSBURG TO COME BACK. I THINK WE'RE NOT CLEAR ON THE
21 ACTUAL BOTTOM LINE ON THE LEASE ISSUES BUT THE CITY OF
22 GAITHERSBURG WILL BE HELPING -- THE CITY OF GAITHERSBURG ALSO
23 TALKED ABOUT ADDING PROGRAMS AND SERVICES TO THE SITE THAT
24 THEY WOULD PICK UP FROM THEIR PERSPECTIVE. WE DID HAVE IN
25 FRONT OF US WHAT TAKOMA PARK IS DOING AND HAS DONE. IN FACT,

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1 MAYOR PORTER WAS HERE FOR SOMETHING ELSE AND WAS ABLE TO TALK
2 ABOUT THAT. YOU KNOW, I DON'T KNOW THAT WE'LL HAVE EXACT
3 DOLLAR-FOR-DOLLAR BUT I DO THINK THERE IS AND SHOULD BE AN
4 EXPECTATION. AND I HAVEN'T SEEN THE CITY OF GAITHERSBURG
5 BACKING AWAY FROM THAT, THAT THEY WOULD BE PARTNERS IN THIS
6 ISSUE. IT MAY LOOK DIFFERENT BUT FROM A STANDPOINT OF WHAT
7 THEIR LEVEL -- THEY MAY BE DOING MORE SERVICE DELIVERY THAN
8 FINANCIAL, DIRECT FINANCIAL, BUT THEY ARE AND HAVE MADE A
9 COMMITMENT ON A PIECE OF THE RENT.

10

11 **COUNCILMEMBER KNAPP:** NO, THE CITY IS VERY HEAVILY ENGAGED, AND
12 VERY MUCH A COMMITTED PARTNER AND I THINK THEY'RE ALSO DOING
13 SOME OF RENOVATIONS OF THE --

14

15 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

16

17 **COUNCILMEMBER KNAPP:** RIGHT, SO THEY'RE DOING THE RENOVATIONS.

18

19 **COUNCILMEMBER PRAISNER:** IT'S EASIER AND FASTER FOR THEM TO DO
20 IT.

21

22 **COUNCILMEMBER KNAPP:** YEAH, SO, BUT IT IS VERY MUCH A
23 PARTNERSHIP.

24

25 **COUNCIL PRESIDENT PEREZ:** PHIL?

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1

2 **COUNCILMEMBER ANDREWS:** YEAH, THEY -- THE CITY LOCATED THE SITE
3 FOR THE FACILITY AND THEY'RE GOING TO DO THE RENOVATIONS,
4 WHICH THEY ESTIMATE WILL BE AT LEAST \$20,000, MAYBE MORE. MORE,
5 OKAY. FRED FELTON I KNOW HAS BEEN WORKING VERY HARD FOR THE
6 CITY ON THIS AND HE WAS AT THE M.F.P. COMMITTEE MEETING LAST
7 WEEK.

8

9 **COUNCIL PRESIDENT PEREZ:** DID YOU WANT TO ADD ANYTHING? JUST
10 IDENTIFY YOURSELF, OF COURSE, FOR THE RECORD.

11

12 **MS. MATTHEWS:** KATHY MATTHEWS FROM THE UPCOUNTY REGIONAL
13 SERVICES CENTER. I JUST WANT TO SAY, REITERATE WHAT COUNCILMAN
14 KNAPP HAS SAID. THE CITY HAS BEEN A GREAT PARTNER IN THIS.

15

16 **COUNCIL PRESIDENT PEREZ:** GOOD.

17

18 **MS. MATTHEWS:** AND THEY HAVE BEEN MENTIONING DOLLAR AMOUNTS FOR
19 RENOVATING THE BUILDING THAT THEY SELECTED. WE THOUGHT IT WAS
20 -- IT MADE MORE SENSE FOR THEM TO IDENTIFY A BUILDING WITHIN
21 THE CITY THAT THEY KNEW WOULD WORK FOR US. AND WE THINK IT'S A
22 GREAT LOCATION THAT WE'RE STARTING TO LOOK AT. AND THEY HAVE
23 NOT BACKED AWAY AT ALL FROM ADDING TO ANY KIND OF PROGRAMMING
24 THAT WE MAY COME UP WITH. SO, THEY'VE BEEN VERY SUPPORTIVE.

25

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1 **COUNCIL PRESIDENT PEREZ:** GREAT, THANK YOU. OKAY. THANK YOU.
2 WITHOUT OBJECTION.

3

4 **COUNCILMEMBER FLOREEN:** OKAY.

5

6 **COUNCIL PRESIDENT PEREZ:** OKAY. SO WE MOVE TO NUMBER 12.
7 SELECTED GENERAL FUND PROGRAMS. AND NOT JUST THE REGULAR ONES
8 BUT SELECTED ONES.

9

10 **COUNCILMEMBER FLOREEN:** SELECTED ONES. AS I SAID EARLIER, MR.
11 PRESIDENT AND COLLEAGUES, AND AS CHUCK HAS OUTLINED IN HIS
12 MEMO HERE, THIS HAS TO DO WITH ENGINEERING AND MANAGEMENT
13 SERVICES FOR COUNTY FACILITIES, FACILITY MAINTENANCE AND
14 OPERATIONS. THE REAL ESTATE OFFICE AND DUPLICATING. AND OF
15 COURSE THIS IS A LOT OF WHAT WE WERE TALKING ABOUT HERE IS
16 RELATED TO OUR MAINTENANCE OBLIGATIONS THAT EVERYONE IS VERY
17 CONCERNED ABOUT. IN SUMMARY, WE RECOMMENDED AN INCREASE IN
18 THESE PROGRAMS OF ABOUT \$2.5 MILLION, OR 11% FOR A TOTAL OF
19 \$23 MILLION, 766 IN '06. AND OUR SPECIFIC RECOMMENDATIONS ARE
20 IDENTIFIED BELOW. ONE IS TO PUT ON A RECONCILIATION SOME OF
21 THE COSTS OF REDUCING THE BACKLOG AND DEFERRED MAINTENANCE.
22 THAT'S \$445,000. BASIC STUFF. CARPETING, PAINTING AND
23 REPAIRING SYSTEMS SUCH AS H.V.A.C. AND WHAT NOT. SECOND, WE
24 ALSO PUT ON THE RECONCILIATION TWO INCREMENTS OF \$84,500 TO
25 IMPROVE GROUNDS MAINTENANCE, WHICH WOULD GO TO -- WHICH WOULD

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1 ALLOW US TO INCREASE THE NUMBER OF MOWINGS BY -- FROM 8 TO 18
2 AND INCREASE THE NUMBER OF TIMES SIDEWALKS ARE EDGED, AS WELL
3 AS TO INCREASE THE NUMBER OF TIMES THAT YOU SPREAD MULCH
4 AROUND. WE DID APPROVE \$105,000 TO IMPROVE CUSTODIAL SERVICES
5 WITH A HOPE, FRANKLY, THAT PERFORMING THOSE MORE EFFECTIVELY
6 AND EFFICIENTLY IN THE BEGINNING WOULD SAVE OUR COSTS IN THE
7 LONG TERM, THINGS LIKE CARPET CLEANING, TAKING CARE OF THE
8 FLOORS. I THINK THEY'RE ARE ALSO SAFETY ISSUES. I'M JUST GOING
9 TO KEEP GOING HERE.

10

11 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER HAS HER LIGHT ON.

12

13 **COUNCILMEMBER FLOREEN:** OKAY, DO YOU WANT TO --

14

15 **COUNCIL PRESIDENT PEREZ:** I DON'T KNOW IF YOU HAD ANYTHING --

16

17 **COUNCILMEMBER PRAISNER:** THE ITEM'S ON PAGE TWO ON THAT.

18

19 **COUNCIL PRESIDENT PEREZ:** OKAY, THAT'S WHERE SHE WAS ABOUT TO
20 GET TO.

21

22 **COUNCILMEMBER FLOREEN:** I JUST TURNED TO PAGE TWO. WE RECOMMEND
23 APPROVAL OF THE A.D.A. MODIFICATIONS AT THE JUDICIAL CENTER
24 AND THEN ON NUMBER 5, ONE THING WE DISCOVERED THAT -- AND THIS
25 IS BUILT INTO, FRANKLY, THE NEXT ITEM, WHICH IS THE ISSUE OF

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1 THE TRANSFER OF THE SECURITY FORCES TO THE HOMELAND SECURITY
2 COMMITTEE. WE DISCOVERED THAT, IN FACT, THE SECURITY FOLKS
3 HAVE BEEN ANSWERING THE PHONE AND HELPED WITH MAINTENANCE
4 ISSUES. NOW, WE HAVE TO FIND MONEY TO REPLACE THAT FUNCTION.
5 AND SO WE WERE FRUSTRATED TO DISCOVER THAT BUT WE WERE ONLY
6 WILLING TO SUPPORT \$50,000 FOR ONE PERSON FOR A PART OF A WORK
7 YEAR TO START A CALL CENTER. WAS THIS THE ISSUE YOU WANTED TO
8 SPEAK TO?

9

10 **COUNCILMEMBER PRAISNER:** WELL, IT'S ONE OF THEM.

11

12 **COUNCIL PRESIDENT PEREZ:** I WOULD SUGGEST THAT SHE --

13

14 **COUNCILMEMBER FLOREEN:** WANT ME TO GO TO THE END, THEN -- OKAY,
15 THAT'D BE FINE.

16

17 **COUNCIL PRESIDENT PEREZ:** SURE, YOU CAN --

18

19 **COUNCILMEMBER PRAISNER:** THEN I CAN DO ALL OF THEM AT ONCE

20

21 **COUNCILMEMBER FLOREEN:** YOU BET.

22

23 **COUNCIL PRESIDENT PEREZ:** OMNIBUS.

24

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1 **COUNCILMEMBER FLOREEN:** THE REST, FRANKLY, ARE PRETTY MINOR. WE
2 WERE PERSUADED THAT WE NEEDED A FOREMAN IN THE PRINT SHOP. AND
3 WE DO EXPECT SAVINGS TO RESULT AS A RESULT OF THIS, WHICH, OF
4 COURSE, WILL ALLOW US TO REDUCE DEPARTMENTAL COSTS. WE
5 LIKEWISE RECOMMENDED APPROVAL OF A NEW POSITION IN THE RECORD
6 CENTER TO HELP WITH THE IMAGING AND SO FORTH. AND FINALLY, WE
7 DISCOVERED THAT THE GERMANTOWN SWIM CENTER IS GOING TO OPEN A
8 MONTH LATER THAN WE THOUGHT. AND WE SAVED A LITTLE BIT OF
9 MONEY BASED ON THAT. MR. HOLMES, DID YOU WANT TO COMMENT ON
10 THIS?

11
12 **MR. HOLMES:** YES, AS I DID IN COMMITTEE -- [SPEAKER NOT
13 UNDERSTOOD]

14
15 **COUNCILMEMBER FLOREEN:** ART, YOUR MIC IS NOT ON.

16
17 **MR. HOLMES:** I WOULD LIKE TO ASK YOU TO CERTAINLY EMPHASIZE, AS
18 YOU LOOK AT SUCH THINGS AS -- ON THE RECONCILIATION LIST AS
19 THE 400 AND SOME THOUSAND DOLLARS FOR THE BACKLOG AND THE
20 MOWING -- I'M ALREADY GETTING CALLS FROM PEOPLE IN THE COURT
21 HERE ABOUT MOWINGS AND THE QUALITY OF LIFE AND SOME FROM
22 OUTSIDE. THESE ARE THINGS WE HAVE NEGLECTED AND THE QUALITY OF
23 LIFE IN THIS AREA IS NOT GOOD. AND I THINK THAT WE DO OUR FOLK
24 A LITTLE BETTER SERVICE THAN WE'VE BEEN ABLE TO GIVE THEM.

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1 **COUNCILMEMBER FLOREEN:** RIGHT.

2

3 **COUNCIL PRESIDENT PEREZ:** OKAY. I THINK NOW MAY BE THE TIME, MS.
4 PRAISNER. THEN AFTER YOU, MR. KNAPP HAS HIS LIGHT ON.

5

6 **COUNCILMEMBER PRAISNER:** WELL, FIRST WE ASKED TO CREATE A
7 SECURITY SYSTEM THAT INCLUDED MANAGEMENT AND PERSONNEL THAT WE
8 HAVE NOW HAD A DISCUSSION IN M.F.P. AND FOUND OUT ARE NOT
9 AVAILABLE BECAUSE THEY ARE DETAILED TO --

10

11 **COUNCILMEMBER FLOREEN:** YOU'RE TALKING ABOUT HOMELAND SECURITY?

12

13 **COUNCILMEMBER PRAISNER:** WELL, I'M TALKING ABOUT ITEM 5, WHICH
14 IS -- THE RESULT THEN IS THAT WE HAVE TO ADD ANOTHER POSITION
15 BECAUSE IF SECURITY IS MOVED TO HOMELAND SECURITY, WE DON'T --
16 ALL OF THOSE FOLKS, NO ONE CAN ANSWER THE PHONE IF THERE IS A
17 PROBLEM AND GET IT TO THE APPROPRIATE PERSON. BUT NOW WE HAVE
18 TO HAVE SOMEONE ELSE 24/7 ANSWERING OR BEING AVAILABLE JUST IN
19 CASE THERE IS AN EMERGENCY THAT CANNOT WAIT UNTIL THE NEXT
20 MORNING, WHEN FOLKS ARE ON DUTY FULL-TIME. IN MOST CASES THERE
21 ARE PROBLEMS LIKE BURST PIPES AND OVERFLOWING TOILETS OR
22 BROKEN H.V.A.C. SYSTEMS THAT OBVIOUSLY -- THERE MUST BE
23 SOMETHING WE'RE DOING ABOUT THAT RIGHT NOW, IF A PIPE BURSTS.
24 SOMEBODY GETS THE CALL. IF IT'S THE SECURITY PERSON AND THEY
25 MUST HAVE SOME DIRECTION OF WHAT THEY'RE TOLD TO DO IF IT'S AN

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1 EMERGENCY. IF THE RESULTS OF DETAILING THESE FOLKS WHO ARE
2 HERE 24/7 IS TO THE DEPARTMENT OF HOMELAND SECURITY MEANS
3 THEIR JOB DESCRIPTION DOESN'T ALLOW THEM TO ANSWER A PHONE AND
4 THEN RELAY THAT PHONE IF IT'S AN EMERGENCY SITUATION TO
5 SOMEBODY, ELSE SUCH THAT WE HAVE TO HIRE SOMEONE ELSE TO START
6 A CALL CENTER, WHICH IF IT'S 24/7 IS GOING TO MEAN YOU NEED
7 MORE THAN ONE PERSON EVENTUALLY. THIS IS A MUSHROOM THAT'S
8 GROWN INTO A MOUNTAIN. AND I REALLY HAVE A PROBLEM -- I'LL
9 HAVE A PROBLEM WHEN WE GET TO DETAILING TO THESE FOLKS TO TO
10 DEPARTMENT OF HOMELAND SECURITY IN THE FIRST PLACE BECAUSE MY
11 IMAGE OF THE DEPARTMENT OF HOMELAND SECURITY IS OBVIOUSLY
12 TOTALLY DIFFERENT FROM THE COUNTY EXECUTIVE'S. BUT FOLKS WERE
13 SOLD TO US DOING ONE THING. I SIMPLY DO NOT BELIEVE THAT THE
14 MAGNITUDE OF THE NUMBER OF SITUATIONS THAT ARISE REQUIRE US TO
15 CREATE THESE COMPLEMENTS JUST IN CASE THERE'S AN EMERGENCY. I
16 REALLY BELIEVE THAT WE HAVE INTELLIGENT EMPLOYEES WHO CAN BE
17 GIVEN A LIST OF DIRECTIONS OF WHAT TO DO IN CERTAIN SITUATIONS.
18 AND IF THEY'RE HERE OR AVAILABLE 24/7 -- AND THE QUESTION, I
19 GUESS, IS IF THESE FOLKS ARE AVAILABLE OR IF THEY'RE AWAY WITH
20 THE EXECUTIVE. BUT IF THERE IS SOMEBODY HERE 24/7, IT SEEMS TO
21 ME THEY CAN ANSWER A PHONE AND, DEPENDING UPON WHAT THE
22 EMERGENCY IS, DEAL WITH IT WITHOUT CREATING A WHOLE OTHER
23 STRUCTURE OF BUREAUCRACY IN ORDER TO DEAL WITH IT. AND I'M
24 APPRECIATIVE OF THE COMMITTEE FOR PUTTING IT ON THE
25 RECONCILIATION LIST AND THIS IS ONE COUNCILMEMBER WHO IS NOT

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1 GOING TO TAKE THIS OFF. NOW, LET ME RAISE ANOTHER ISSUE ABOUT
2 THE FOREMAN AND PRINT SHOP. THE PACKET MAKES REFERENCE TO THE
3 FACT THAT YEARS AGO AS AN EFFICIENCY EFFORT AND ALSO BECAUSE
4 WE WANTED TO CROSS AGENCIES ON DUPLICATION AND TRY TO
5 ELIMINATE IT, THAT WE WERE GOING TO WORK WITH THE M.C.P.S. AND
6 THAT A LOT OF THE PRINTING, AND IN FACT THE REASON WHY THE
7 ENTERPRISE FUND MAY GROW IN THE SCHOOL SYSTEM IS BECAUSE --
8 AND THEY CAN COVER THEIR COSTS -- ARE BECAUSE THEY ARE DOING
9 MORE PRINTING IN THE -- IN M.C.P.S. TO HANDLE FOR OTHER
10 DEPARTMENTS AND AGENCIES. SO, I'M NOT UNDERSTANDING IF THE
11 UNDERSTAFFED OVERTIME REQUIRES THEM TO SEND PRINT SHOP JOBS TO
12 OUTSIDE FIRMS, DOES THAT MEAN OUTSIDE, THAT THE SCHOOL SYSTEM
13 CAN'T HANDLE BECAUSE WE WERE TOLD THAT THE SCHOOL SYSTEM WAS
14 HIRING MORE PRINT SHOP PERSONNEL BY VIRTUE OF THE MONEY THAT
15 THEY HAVE EARNED THROUGH THAT AS AN ENTERPRISE FUND. AND IN
16 FACT, THEY'VE HIRED MORE PERSONNEL IN THE PRINT SHOP COVERED
17 BY THE COST OF THE SAVING -- COSTS OF THE, IN ESSENCE, HAVING
18 THESE THINGS DONE BY THE SCHOOL SYSTEM. SO, I DON'T KNOW THAT
19 WE HAVE THE INFORMATION HERE. BUT IF WE'RE GOING TO APPROVE AN
20 ADDITIONAL PERSON, THE QUESTION IS -- AND THE RATIONAL IS
21 BECAUSE WE'RE SENDING TOO MUCH STUFF TO OUTSIDE FIRMS, DO WE
22 CONSIDER M.C.P.S. AN OUTSIDE FIRM? THEN IS IT M.C.P.S. THAT
23 DOESN'T HAVE ENOUGH PERSONNEL IN THE PRINT SHOP? WHAT ARE WE
24 TALKING ABOUT, THAT WE HAVE TO HIRE ANOTHER FOREMAN FOR THIS
25 WORKLOAD?

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1

2 **MR. ADAMS:** HAROLD ADAMS FROM SUPPORT SERVICES. THE
3 CONSOLIDATED PRINT SHOP OVER ON STONE STREET, WHICH IS THE ONE
4 WE OPERATE IN CONJUNCTION WITH M.C.P.S. IS LITHOGRAPHIC OFFSET.
5 THE INDUSTRY ITSELF HAS MOVED GREATLY SINCE 1999 TO DIGITAL
6 AND ELECTRONIC REPRODUCTION, WHICH IS WHAT WE RUN HERE IN
7 C.O.B. AND IN M.C.G. THAT TONNAGE IS UP. AND IT'S HARD TO TELL,
8 EXCEPT FOR THE LONG RUNS OR NATIONAL GEOGRAPHIC QUALITY
9 MAGAZINES, THAT THE DIFFERENCE BETWEEN WHAT WE DO ON A SHORT
10 RUN AND WHAT THE LITHOGRAPHY SECTION DOES. WHAT WE DO BETWEEN
11 M.C.P.S., WHICH IS, BY THE WAY, A SUCCESS IN MY MIND AND
12 LARGELY ATTRIBUTABLE TO JOHN MARSHAL FROM M.C.P.S. AND RICK
13 TAYLOR FROM OUR SHOP, IS THAT WE TRANSFER JOBS BACK AND FORTH.
14 WHEN WE SEND IT TO M.C.P.S. WE BILL THEM. THEY PAY US. WHEN
15 THEY SEND SCHOLL STUFF TO US FOR THE DIGITAL REPRODUCTION, WE
16 BILL THEM AND WE RUN THAT DAILY BACK AND FORTH. SO, IT ISN'T
17 ABOUT -- AND WE CONSIDER THAT ONE OPERATION AND THAT'S
18 INTERNAL TO US. WHAT WE'RE TALKING ABOUT IS \$2.3 MILLION WORTH
19 OF PRINTING THAT WENT TO OUTSIDE COMPANIES FROM WITHIN
20 MONTGOMERY COUNTY, BASED ON THE FAMOUS OF OBJECT CODES THAT
21 ARE USED TO DO THAT. WE'RE PRETTY SURE THAT BETWEEN THE TWO
22 PRINT SHOPS WE CAN DO AT LEAST HALF OF THAT AND WE CAN DO IT
23 FOR 20% LESS THAN THE OUTSIDE PEOPLE BECAUSE WE DON'T NEED A
24 PROFIT. IN FACT, WE'RE PROHIBITED FROM HAVING A PROFIT. AND WE
25 DON'T PAY THE LEASE PAYMENTS FOR OUR TAXPAYER-OWNED STRUCTURES

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1 THAT WE'RE IN. SO WE'RE CHEAPER. WE'D LIKE TO HAVE A SHOT AT
2 THAT AND WE THINK IT SAVES THE COUNTY TAXPAYER MONEY IF WE CAN
3 BRING IT BACK IN AND GIVE US THAT SHOT.

4

5 **COUNCILMEMBER PRAISNER:** WELL, I'M VERY FAMILIAR WITH THE
6 DIFFERENCE BETWEEN THE DIGITIZED AND THE LITHOGRAPHY. I
7 ACTUALLY WORKED IN HIGH SCHOOL AT A PRINT SHOP AND THERE WERE
8 DAYS WHEN LUDLOW WAS IN PLACE AS WELL FOR HEADLINES AND OTHER
9 ELEMENTS IN NEWSPRINT, SO I STILL AM SCRAPING THE NEWS PRINT
10 FROM UNDER MY FINGERNAILS. BUT MY POINT IS, IF THIS IS AN
11 INCENTIVE AND IF MORE OF THIS WORK IS DONE DIGITIZED RATHER
12 THAN LITHOGRAPHY AT THE SCHOOL SYSTEM, THEN I THINK WE HAVE TO
13 LOOK AT THE WHOLE THING COMPREHENSIVELY. THE QUESTION IS THE
14 MAGNITUDE OF WHAT WE HAVE AT THE SCHOOL SYSTEM, CAPACITY BUT
15 ALSO THE TYPE OF PRINTING SUCH THAT IF WE'RE GOING TO HIRE
16 MORE PERSONNEL, THE QUESTION IS HOW WE EQUATE THOSE COSTS BACK
17 AND FORTH BETWEEN THE ENTERPRISE FUND ELEMENT WITHIN THE
18 SCHOOL SYSTEM AND THE COUNTY GOVERNMENT. AND I THINK WE NEED
19 TO PURSUE THIS OFF-BUDGET.

20

21 **SPEAKER:** OKAY.

22

23 **COUNCIL PRESIDENT PEREZ:** MR. KNAPP?

24

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1 **COUNCILMEMBER KNAPP:** THANK YOU, MR. PRESIDENT. I'M STILL
2 TRYING TO FIGURE OUT EXACTLY WHICH OF THE SELECTED FUNDS WE
3 HAVE IN THIS ONE. BUT IS RECORDS MANAGEMENT IN THIS PIECE OR
4 DOES THAT FALL UNDER ONE OF THE THINGS WE'VE ALREADY DONE?

5

6 **COUNCILMEMBER FLOREEN:** I THINK IT IS. WELL, YEAH. NUMBER 7.

7

8 **COUNCILMEMBER KNAPP:** OKAY, I JUST WANTED TO CHECK ON RECORDS
9 MANAGEMENT PIECE. I WAS JUST CURIOUS. I KNOW WE'VE INSTITUTED
10 THAT AS A CHARGE THIS YEAR FOR ALL OF THE DIFFERENT
11 DEPARTMENTS. AND I DON'T KNOW IF ALL OF MY COLLEAGUES WERE
12 AWARE. I WASN'T NECESSARILY PERHAPS AS AWARE AS I SHOULD HAVE
13 BEEN. AND I WOULD JUST BE KIND OF CURIOUS TO KNOW WHAT IS THAT
14 CHARGE GOING TO AND HOW IS THAT IMPLEMENTATION GOING SO FAR?

15

16 **SPEAKER:** ACTUALLY IT WAS LAST YEAR THAT WE PUT TOGETHER A COST
17 CENTER. IT BROUGHT IN THE RENT, TOOK AWAY FROM GENERAL FUND
18 DURING ECONOMIC, WELL, OVER THE THREE YEARS OF THE ECONOMIC
19 DOWNTURN. YOU ASKED US TO, A, HOLD OUR RATES STEADY AND SEE IF
20 WE COULD COME UP WITH A BETTER COST CENTER APPROACH TO RECORDS
21 MANAGEMENT. WHAT WE DID IS BROUGHT IN THE RENT THAT WE PAY FOR
22 WAREHOUSES WHERE WE KEEP THE RECORDS. WE PUT THE PERSONNEL
23 INTO INTERNAL SERVICE FUND. THE SOFTWARE COSTS AND LICENSES,
24 THE EQUIPMENT THAT WE USED FOR IMAGING AND THE REPLACEMENT
25 COST ON THE DEPRECIATION BASIS. IT COMES TO ROUGHLY \$400,000.

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1 THE BAD NEWS WAS THAT LAST YEAR WHEN WE TOOK THE COSTS ON
2 WITHIN INTERNAL SERVICE FUND, WE FAILED TO TELL THE
3 DEPARTMENTS THAT WE WERE GOING TO BE CHARGING THEM THAT
4 ADDITIONAL HALF MILLION DOLLARS AND THEY BARKED. AND SO O.M.B.
5 SAID, PLEASE, AS A FAVOR, LET'S HOLD OFF. WE REALIZE YOU'RE
6 GOING TO LOSE MONEY THIS YEAR. AND WE WILL. BUT WE WILL LET
7 YOU CATCH UP WHEN WE CAN WARN THE DEPARTMENTS FOR '06. AND
8 THAT'S WHAT YOU'RE SEEING NOW ON THE INDIVIDUAL DEPARTMENTS,
9 IS THE DOUBLE-CHARGE. ONE IS TO GET US BACK TO WHOLE AND THE
10 OTHER IS TO OFFSET THAT FOR THE UPCOMING YEAR. SO THOSE ARE
11 THE COMPONENTS THAT MAKE UP THE RECORD CENTER.

12
13 **COUNCILMEMBER KNAPP:** OKAY. SO IT'S ROUGHLY 400 K ANNUAL IN
14 EXPENDITURES?

15
16 **SPEAKER:** YES.

17
18 **COUNCILMEMBER KNAPP:** AND HOW MUCH ARE WE GENERATING REVENUE-
19 WISE WITH THE CHARGE? DO WE KNOW?

20
21 **SPEAKER:** FOR THE INDIVIDUAL PAGES?

22
23 **COUNCILMEMBER KNAPP:** FOR, WELL, AS I UNDERSTAND IT, IT'S KIND
24 OF A -- IT'S A PER-CAPITA CHARGE TO EACH OF THE AGENCIES AND
25 DEPARTMENTS.

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1

2 **SPEAKER:** IT'S A DUAL -- IT'S VERY SIMILAR TO THE MAIL IN HOW
3 WE DO THAT.

4

5 **COUNCILMEMBER KNAPP:** OKAY.

6

7 **SPEAKER:** THERE IS A COUNTYWIDE BENEFIT TO THE RECORDS CENTER.
8 AND WE HAD A DEBATE ABOUT WHETHER WE SHOULD CHARGE THEM BY THE
9 BOXES THAT THEY SEND UP THERE OR BY A PER-EMPLOYEE BASIS, THE
10 BIGGER DEPARTMENTS WOULD PAY MORE. THE ARGUMENT WENT TO THE
11 PER-EMPLOYEE BASIS BECAUSE CERTAIN ADMINISTRATIVE DEPARTMENTS
12 LIKE O.H.R., FINANCE AND THE COUNTY ATTORNEY, BY THE NATURE OF
13 THEIR MANDATES, GENERATE A HUGE AMOUNT OF PAPER, WHICH THEN
14 WE'D HAVE TO LOAD THEIR BUDGET TO PAY FOR THAT BY-BOX BASIS.
15 SO WE CHARGE A CERTAIN AMOUNT OF THAT \$400,000, DIVIDED BY THE
16 TOTAL NUMBER OF FULL-TIME EQUIVALENTS IN THE COUNTY TO EACH OF
17 THE DEPARTMENTS. THERE IS AN INCREMENTAL PIECE WHERE, IF YOU
18 USE THE CENTRALIZED IMAGE CENTER WHERE WE DO THE SCANNING FOR
19 YOU, THEN WE CHARGE YOU A PER-PAGE, WHICH IS ABOUT THREE CENTS
20 LESS THAN THE GOING MARKET OUTSIDE, STAYING WITH MY 80%,
21 ROUGHLY AVERAGE YEAR. AND THAT'S GOING TO GENERATE ABOUT
22 \$15,000 THIS YEAR. I THINK WHEN WE RUN FULL-TILT IT WILL SEE
23 CLOSER TO \$20,000 TO \$25,000 BUT THAT'S ON ONE PAGE AT A TIME.
24 AND OF COURSE THE DEPARTMENTS HAVE THE OPTION TO ARGUE,
25 TELLING ME THAT THEY SHOULD BE ALLOWED TO DO THEIR OWN IMAGING

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1 WITHIN THEIR DEPARTMENT AND THAT'S ON THE MERITS OF EACH
2 INDIVIDUAL DEPARTMENT, THEY MAY GET THAT.

3

4 **COUNCILMEMBER KNAPP:** OKAY, GREAT. THANK YOU. I HAD TWO OTHER
5 QUESTIONS. AND I APOLOGIZE BECAUSE ONE ACTUALLY RELATES TO
6 FLEET MANAGEMENT BUT I THINK THE PERSON IS STILL HERE.

7

8 **COUNCILMEMBER FLOREEN:** SHARON. SHE'S HERE -- NO, SHE LEFT.

9

10 **COUNCILMEMBER KNAPP:** SHE WAS JUST HIDING.

11

12 **SPEAKER:** I SAW YOU STANDING OUTSIDE BEFORE. I THOUGHT YOU WERE
13 LEAVING. [OVERLAPPING VOICES] [LAUGHTER]

14

15 **COUNCILMEMBER KNAPP:** SHE SHOULD HAVE. NO. IN THE COURSE OF --
16 LOOKING AT PERFORMANCE MEASURES, IN THE COURSE OF
17 CONVERSATIONS WITH VARIOUS POLICE OFFICERS, I GUESS I WAS
18 STRUCK BY IN THE PERFORMANCE MEASURES, THE HIGH PERCENTAGE OF
19 BOTH TIMES VEHICLES ARE AVAILABLE FOR USE, AND THEN PERCENTAGE
20 OF CUSTOMERS SATISFIED WITH MAINTENANCE SERVICES. AND JUST
21 BECAUSE, AS I'VE TALKED TO FOLKS ON THE STREET, THAT SEEMS TO
22 BE AN ISSUE THAT HAS COME UP -- COMES UP REGULARLY, THAT
23 PEOPLE ARE FRUSTRATED WITH THEIR ABILITY TO ACTUALLY GET CARS
24 IN FOR SERVICE AND THEN THE AMOUNT OF TIME IT TAKES FOR THINGS
25 TO GET TURNED AROUND. AND SO I RAISED IT AT THE -- DURING OUR

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1 WORK SESSION TO POLICE. AND THEY SUGGESTED THAT -- RAISE IT
2 THIS WAY. AND ONE OF THE QUESTIONS, AND THIS IS WHERE IT COMES,
3 WAS IN BOTH DIRECTIONS, I FOUND, AS WE'VE DONE THE PERFORMANCE
4 MEASURES IS, WHILE WE -- ESPECIALLY IN OUR SERVICE ENTITIES
5 WITHIN COUNTY GOVERNMENT, WE IDENTIFY A MEASUREMENT THAT SAYS
6 SERVICE QUALITY, BUT WHEN YOU ACTUALLY KIND OF DIG BELOW THE
7 SURFACE THE PERCENTAGE OF PEOPLE ACTUALLY SURVEYED IS SUCH A
8 LOW NUMBER THAT IT REALLY ISN'T PARTICULARLY A RELEVANT NUMBER.
9 IT'S JUST, IT'S A NUMBER.

10

11 **MS. SUBADAN:** WELL, IT IS SOMEWHAT RELEVANT. SHARON SUBADAN,
12 FOR THE RECORD. IT IS A RELEVANT NUMBER. EVERYBODY IS SURVEYED.
13 NOW, OF A THOUSAND SURVEY CARDS THAT WE PUT IN VEHICLES EVERY
14 MONTH, WE HAVE ABOUT 300 PEOPLE THAT RESPOND, SO THE RESULTS
15 THAT YOU SEE ARE BASED ON THE RESPONSES THAT WE GET. AND I
16 BELIEVE IT'S A 98.5% SATISFACTION RATING.

17

18 **COUNCILMEMBER KNAPP:** OKAY.

19

20 **MS. SUBADAN:** BUT EVERYBODY IS SURVEYED. AND ANYBODY WHO HAS A
21 NEGATIVE COMPLAINT, WE DO TAKE IT VERY SERIOUSLY AND WE FOLLOW
22 UP ON IT AND IT COMES TO MY LEVEL AND TO OURS. SO, YOU KNOW,
23 IF THEY'RE UNHAPPY ABOUT SOMETHING THEY NEED TO LET US KNOW.
24 VEHICLES ARE ALL SCHEDULED. EVERY VEHICLE IS SCHEDULED AND THE
25 DRIVERS ARE NOTIFIED WELL IN ADVANCE OF THE SCHEDULE OF THEIR

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1 PREVENTIVE MAINTENANCE. IF THEY FAIL TO BRING IN THE VEHICLE
2 OR THEY FAIL TO RESCHEDULE AT THE TIME WHEN THEY'RE EXPECTED
3 TO BRING THEIR VEHICLE IN FOR MAINTENANCE, THEY DO END UP THEN
4 FALLING TO THE BOTTOM OF THE QUEUE BECAUSE IF NOT, SOMEBODY
5 WHO DID BRING THE VEHICLE IN ON TIME ENDS UP BEING PENALIZED.

6

7 **COUNCILMEMBER KNAPP:** SURE.

8

9 **MS. SUBADAN:** BUT THERE ARE PUTS AND TAKES BUT WE DO TAKE
10 CUSTOMER SERVICE VERY SERIOUSLY.

11

12 **COUNCILMEMBER KNAPP:** OKAY. I JUST WANTED THE ISSUE BECAUSE
13 ESPECIALLY, I MEAN GIVEN WHAT YOU JUST SAID, OF THE THOUSAND
14 YOU DISTRIBUTE YOU GET 300 BACK. THE NUMBER REFERENCED IN THE
15 MEASURE SAYS 336 EVALUATION SHEETS WERE RETURNED, REPRESENTING
16 ABOUT 2.5%, WHICH DOESN'T NECESSARILY JIVE WITH THAT NUMBER.
17 SO, IF IT IS, IN FACT, ABOUT A 30% RETURN THAN THAT IS GIVING
18 US SOMETHING OF --

19

20 **MS. SUBANAN:** NOW, SOME OF THEM DON'T SAY MUCH, YOU KNOW. THEY
21 JUST KIND OF PENCIL-WHIP IT. BUT, YOU KNOW, FOR THOSE THAT DO
22 HAVE COMMENTS, WE CERTAINLY RESPOND.

23

24 **COUNCILMEMBER KNAPP:** OKAY. THANK YOU, I APPRECIATE THAT. AND
25 THEN I GUESS THE SAME QUESTION RELATES TO THE BUILDING

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1 MAINTENANCE SIDE, AS TO JUST HOW MANY PEOPLE DO WE ACTUALLY
2 SURVEY TO SEE WHAT THE LEVEL OF SATISFACTION IS. AND THAT'S IN
3 THE BUILDING MAINTENANCE. IT SAYS PERCENTAGE OF CUSTOMERS
4 RATING FACILITY MAINTENANCE AS SATISFACTORY. AND IT KIND OF IS
5 65, 60, 60, 65, 65. NOT SHOWING WHOLE BUNCH OF VARIATION. SO
6 GENERALLY IT WOULD LEAD ME TO BELIEVE THERE'S NOT A LOT OF
7 PEOPLE RESPONDING BUT I JUST -- I DON'T KNOW AND I'D BE
8 CURIOUS JUST -- ONE OF THE QUESTIONS THAT WE'VE HAD IS, WE
9 HAVE THIS GREAT BOOK OF PERFORMANCE MEASURES BUT AS I'VE
10 RAISED THE ISSUE WITH PEOPLE, OFTENTIMES MANY OF THE -- AT
11 LEAST MANY OF THE ONES THAT WE'VE DONE WORK SESSIONS WITH,
12 WHEN I'VE ASKED QUESTIONS FROM IT IT'S BEEN THE FIRST TIME
13 MANY HAVE LOOKED AT IT. AND SO, ONE, I'M TRYING TO SEE ARE
14 THESE MEASURES THAT PEOPLE ACTUALLY USE, AND THEN TWO, DO WE
15 ACTUALLY COLLECT DATA THAT'S HELPFUL IN HOW WE DETERMINE
16 WHETHER OR NOT WE'RE DOING A BETTER JOB.

17
18 **SPEAKER:** IN THE PAST WE USED TO HAVE A COLLECTION OF DIFFERENT
19 AGENCIES REPRESENTED AS COMING AND HELP US TO UNDERSTAND HOW
20 WE'RE DOING WITH OUR CUSTOMER SERVICE AND OUR SERVICES IN
21 GENERAL. AND THEY WOULD LET US -- FILL OUT A FORM FOR US AS TO
22 THE LEVEL OF RESPONSIVENESS, CUSTOMER SATISFACTION, LEVEL OF
23 SERVICE. AND THEY WOULD TAKE IT TO THEIR AGENCIES. AND ALSO WE,
24 THIS SIMPLY WE HAVE DONE SOME TARGETED AREA AND TARGETED
25 PEOPLE. NOW, WE ARE IN THE PROCESS OF DOING ONE NEW AND SENT

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1 OUT WITH OUR WORK ORDERS. ANY AGENCY WOULD REQUEST THE WORK,
2 WE WANT TO SEND THEM A KIND OF A CUSTOMER REVIEW FORM FOR THEM
3 TO FILL OUT AND SEND IT DIRECTLY TO MY OFFICE RATHER THAN
4 GOING TO THE MAINTENANCE AND OPERATION. BUT, OF COURSE OUR
5 RATE OF SATISFACTION WAS MUCH HIGHER FEW YEARS AGO. AND I WAS
6 AT THE T&E MEETING. I HAD DOCUMENTS FROM BACK IN '01 OR '02
7 AND THE RATE OF SATISFACTION WAS IN 80%, 89%. BUT IT HAS COME
8 DOWN BECAUSE WE HAVE -- BASICALLY IN TWO AREAS, ONE IN THE
9 HOUSEKEEPING AND ONE, THE OTHER ONE IS GROUND MAINTENANCE. AS
10 YOU CAN SEE THAT WE HAVEN'T BEEN WASHING WINDOWS FOR ALMOST
11 TWO YEARS SO THESE ARE DIRECT IMPACT ON PEOPLE'S --

12
13 **MR. HOLMES:** THAT GOES BACK TO WHAT I WAS TALKING ABOUT HERE IN
14 THE EARLIER PART OF THE, OF THE PAPER HERE, WHERE WE'RE
15 CUTTING BACK OR PUTTING ON THE RECONCILIATION LIST JUST THOSE
16 KINDS OF THINGS. AND WHEN YOU SAY SATISFACTION HERE YOU'RE
17 TALKING ABOUT SATISFACTION THAT COMES AS A RESULT OF WHAT
18 RESOURCES YOU HAVE.

19
20 **COUNCILMEMBER KNAPP:** UH-HUH. AND WHEN YOU PUT YOUR BUDGET -- I
21 MEAN DO YOU ACTUALLY TIE THOSE PIECES TOGETHER SO? I MEAN
22 YOU'VE MADE THAT POINT HERE BUT DO YOU ACTUALLY DO YOUR BUDGET
23 IN SUCH A WAY THAT IT SHOWS IF WE WERE TO INCREASE BY X AMOUNT
24 THAT WE WILL BE ABLE TO ADDRESS -- HOW THAT WILL ACTUALLY TIE
25 INTO SOME MEASURE OF CUSTOMER SATISFACTION?

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1

2 **SPEAKER:** AS YOU NOTICED, WE ALSO COMPARE OUR BUDGET WITH
3 INDUSTRY BENCHMARK --

4

5 **COUNCILMEMBER KNAPP:** RIGHT.

6

7 **SPEAKER:** AND THAT'S THE OTHER THING WE DO. OF COURSE, IF YOU
8 ARE LESS THAN -- YOU KNOW, SPENDING LESS THAN THE BENCHMARK,
9 AT LEAST IN THIS AREA, THEN YOU WOULD EXPECT, YOU KNOW, LOWER
10 SATISFACTION. NOW, WE CAN SHOW A NUMBER OF YEAR'S DATA AND IT
11 WILL BE REFLECTED. SO IF YOU REDUCE THE DOLLAR PER SQUARE FOOT,
12 YOU KNOW, MAINTENANCE THEN OBVIOUSLY YOUR RATE OF SATISFACTION
13 COMES DOWN.

14

15 **COUNCILMEMBER KNAPP:** OKAY. THANKS AND THANK YOU, SHARON.
16 APPRECIATE IT.

17

18 **MR. HOLMES:** GOING BACK, MRS. PRAISNER, TO ONE THAT YOU CAN GET
19 ON ME ABOUT BECAUSE IT'S ONE THAT I'M THE PROPONENT OF, AND
20 THAT'S WHERE WE WERE GETTING THE 24/7 RESPONSE TEAMS, BECAUSE
21 WHAT WE'RE TRYING TO DO IS NOT JUST IN AL'S SHOP. I WANT THAT
22 TO BE ACROSS D.P.W.T. AND TO USE AN ARMY TERM, AFTER SAYING
23 CALL ME ART, I BELIEVE IN CONTINUITY OF COMMAND. AND IF GORDON
24 HAS THESE FOLK AND THEY'RE SUPPOSED TO BE DOING SECURITY AND
25 THAT'S WHAT THEY'RE SUPPOSED TO BE DOING, I DON'T WANT SOMEONE

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1 COMING TO D.P.W.T. BECAUSE WE DIDN'T HAVE THE RIGHT KIND OF
2 CONNECTIONS. SO I WOULD ASK YOU TO THINK OF IT IN THOSE KIND
3 OF TERMS, THAT WHAT WE'RE GOING TO DO IS EXPAND IT ACROSS
4 D.P.W.T. AND YOU DO NEED TO HAVE CONTINUITY OF COMMAND IF
5 YOU'RE GOING TO BE RESPONSIBLE FOR IT.

6

7 **COUNCILMEMBER PRAISNER:** I APPRECIATE THAT, ART, GENERAL. THE
8 QUESTION IS, WHEN YOU BUILT THE ARMY DO YOU FRACTURE IT AND
9 SEND IT TO DIFFERENT CORNERS. AND IT SEEMS TO ME THAT THE
10 QUESTION IS WHETHER THE SECURITY BELONGS BELONGS IN THE
11 DEPARTMENT OF HOMELAND SECURITY OR NOT. AND IF THEY ARE
12 D.P.W.T. EMPLOYEES, THEY BECOME A PIECE OF YOUR COMMAND
13 STRUCTURE AND YOUR INFORMATION --

14

15 **MR. HOLMES:** THAT'S OUT OF MY CONVERSATION.

16

17 **COUNCILMEMBER PRAISNER:** I KNOW.

18

19 **COUNCIL PRESIDENT PEREZ:** OKAY. ARE YOU -- MR. KNAPP, ARE YOU
20 ALL SET?

21

22 **COUNCILMEMBER KNAPP:** THANK YOU.

23

24 **COUNCIL PRESIDENT PEREZ:** OKAY, I SEE NO OTHER LIGHTS, SO LET'S
25 MOVE TO I THINK IT WOULD BE ITEM 18.

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1

2 **COUNCILMEMBER FLOREEN:** 18, YEAH.

3

4 **COUNCIL PRESIDENT PEREZ:** I ASSUME -- I WAS HOPING WE WOULD
5 FINISH BY 4:30 SO I ASSUMING WE CAN GET THROUGH IN SIX MINUTES,
6 INCLUDING THE --

7

8 **COUNCILMEMBER FLOREEN:** I HAVE NO DOUBT THAT THAT WOULD BE AN
9 EASY EFFORT --

10

11 **COUNCIL PRESIDENT PEREZ:** RIGHT, GORDON?

12

13 **COUNCILMEMBER FLOREEN:** OKAY. WE'RE GETTING THERE. OKAY. AS I
14 SAID AT THE OUTSET, THE D.P.W.T. BUDGET THAT'S RECOMMENDED BY
15 THE COMMITTEE, HERE WE'RE LOOKING AT THE TRANSPORTATION
16 SEGMENT, AS WELL AS THE C.I.P. SEGMENT. AND IN TRANSPORTATION,
17 GENERALLY THE COMMITTEE IS RECOMMENDING, WELL IT TURNS -- IN
18 THE OPERATING SIDE IT'S RECOMMENDING WHAT TURNS OUT TO BE A 6%
19 INCREASE OR A \$2.153 MILLION INCREASE OVER THE CURRENT YEAR.
20 AND WE'VE RECOMMENDED A VARIETY OF PUTS AND TAKES ON THE
21 CAPITAL SIDE. I WANTED TO JUST SAY AT THE OUTSET, WE'VE TRIED
22 VERY HARD TO REDUCE THE IMPACT ON THE OPERATING BUDGET IN THIS
23 BUDGET BY MOVING A VARIETY OF PROJECTS INTO THE C.I.P. WE'RE
24 PROBABLY GOING TO TAKE SOME BACK IN THE TREE DEPARTMENT, BUT
25 AT LEAST FOR SOME OF THE IMPORTANT ISSUES SUCH AS RESURFACING

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1 OF ROADS, BASIC INFRASTRUCTURE MAINTENANCE, SIDEWALKS AND
2 STREET LIGHTING AND GUARDRAILS AND SOME PATHS, THOSE ARE AREAS
3 WHERE WE'VE ADDED FUNDING IN THE C.I.P. TO ADDRESS THOSE
4 IMPORTANT COMMUNITY NEEDS. SO, ART, IS THIS WHERE YOU'D LIKE
5 TO MAKE GENERAL COMMENT OR SHOULD WE JUST DIVE IN?

6

7 **COUNCIL PRESIDENT PEREZ:** IN A COUPLE MINUTES, NOT QUITE.

8

9 **MR. HOLMES:** AT THE PROPER TIME I WILL.

10

11 **COUNCIL PRESIDENT PEREZ:** I THINK WE'LL KNOW WHEN THAT TIME IS.
12 IT'S ALMOST THERE.

13

14 **COUNCILMEMBER FLOREEN:** THAT TIME IS ABOUT TO RAISE ITS HEAD.
15 LET ME SAY THAT AS, OKAY, ON PAGE 1 OF THE MEMO, YOU WILL NOTE,
16 AS GLEN POINTS OUT ON THE C.I.P. SIDE, ANY OF THE PROJECTS
17 THAT ARE ON THIS LIST -- AND FRANKLY, WITHIN THE C.I.P. I
18 THINK MAY BE REVISED BASED ON SOME RECONCILIATION SCHEDULES.
19 BUT THE FIRST ISSUE IS SHIFTING -- THE COUNTY EXECUTIVE HAS
20 RECOMMENDED SOME AMENDMENTS THAT SHIFTED \$15 MILLION FROM
21 PAYGO AND C.I.P. CURRENT REVENUE FROM THIS YEAR AND NEXT YEAR
22 INTO THE OPERATING BUDGET. THAT WE RECOMMEND BECAUSE THEY WILL
23 NOT IMPACT THE CURRENT COMPLETION DATES. THAT'S THE
24 BROOKEVILLE SERVICE PARK, THE SILVER SPRING TRANSIT CENTER,

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1 MONTROSE PARKWAY WEST, AND TRAVILLA ROAD. I CAN CONTINUE TO GO
2 THROUGH THE SPECIFICS ON THIS IF YOU'D LIKE.

3

4 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN HAS HIS LIGHT ON. I DON'T
5 KNOW IF HE HAD A QUESTION ABOUT THIS. MR. SUBIN?

6

7 **COUNCILMEMBER SUBIN:** YEAH. SOME TRAINING NEVER DIES, GENERAL,
8 SO I'M SORRY. IT WILL REMAIN GENERAL. AFTER 35 YEARS OR SO IT
9 DOESN'T GO AWAY. ON TRAVILLA ROAD WE'VE RECENTLY HAD TWO SETS
10 OF ACCIDENTS IN WHICH WALKERS WERE STRUCK BY CARS AND KILLED
11 ON THE SIDE OF THE ROAD AND I THINK ONE OF THOSE CASES STILL
12 REMAINS UNSOLVED. YOU HAVE A LOT OF NEW HOUSING IN THERE AND
13 PEOPLE WALKING FROM ALL THE WAY FROM TRAVILLA AND 28 ON DOWN
14 FOR MANY REASONS. I DON'T SEE HOW THE EXECUTIVE COULD SUGGEST
15 DEFERRING THIS.

16

17 **SPEAKER:** CAN I ADD? THIS REALLY ISN'T A DEFERRAL OF THE
18 PROJECT. THE CONSTRUCTION COMPLETION IS STILL IN FISCAL YEAR
19 '07. THIS MERELY REFLECT THE CURRENT PRODUCTION SCHEDULE.
20 THEY'RE MOVING AS FAST AS THEY CAN NOW.

21

22 **COUNCILMEMBER FLOREEN:** THAT'S TRUE OF ALL THESE, ALL THESE
23 FOUR PROJECTS.

24

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1 **SPEAKER:** THE FOUR THAT MS. FLOREEN JUST MENTIONED. IT'S JUST -
2 -

3

4 **COUNCILMEMBER SUBIN:** WHICH THE --

5

6 **SPEAKER:** IF YOU LOOK AT CIRCLE 5, MR. SUBIN, YOU SEE THE
7 DOLLARS FOR FY06 IS \$2,325,000, FY07 3,971,000. THAT REFLECTS
8 -- AND 724,000 IN '05. THERE'S A MILLION DOLLARS THAT WAS
9 SHIFTED FROM '05 TO '06 AND ANOTHER MILLION FROM '06 TO '07,
10 BUT IT WAS ALWAYS GOING TO BE FINISHED IN '07.

11

12 **COUNCILMEMBER SUBIN:** OKAY. WELL, SOMEHOW THEN, THE VERBIAGE
13 HAS TO BETTER REFLECT WHAT IS ACTUALLY HAPPENING. AND IF IT IS
14 SIMPLY THE FUNDING SCHEDULE THAT'S SLIPPING AND THAT THAT'S
15 REALLY A TECHNICAL --

16

17 **SPEAKER:** THAT'S RIGHT.

18

19 **COUNCILMEMBER SUBIN:** THAT SHOULD REFLECT IT BECAUSE FRANKLY,
20 THERE'S A LOT OF SMALL PRINT HERE.

21

22 **SPEAKER:** YEAH.

23

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1 **COUNCILMEMBER SUBIN:** AND, YOU KNOW, WE'RE NOT JUST LOOKING AT
2 ONE PACK. SO WHILE IT IS HERE CLEARLY AND I DIDN'T SEE IT HERE.
3 BUT I APPRECIATE THAT EXPLANATION.

4

5 **SPEAKER:** SURE.

6

7 **COUNCILMEMBER FLOREEN:** WELL, AND THAT'S EXACTLY WHILE I'M
8 FORCED TO WEAR GLASSES. MORE QUESTIONS ON THIS ONE? LET ME
9 JUST SAY THE COMMITTEE ALSO ON WHITE GROUND BRIDGE, THE
10 COMMITTEE CONCURS WITH THE EXECUTIVE THAT WE'RE GOING TO HAVE
11 TO MOVE UP THE REIMBURSEMENT OF THE FEDERAL PAYMENT FOR THAT
12 BRIDGE TO '06. WE -- I'M SORRY?

13

14 **SPEAKER:** I THINK WE SKIPPED OVER MONTROSE PARKWAY. THE
15 COMMITTEE HAD A RECOMMENDATION --

16

17 **COUNCILMEMBER FLOREEN:** I SAID IT. NO, I SAID IT.

18

19 **SPEAKER:** ABOUT THE \$550,000 DELAY.

20

21 **COUNCILMEMBER FLOREEN:** YEAH, THERE IS -- WELL, WE ALREADY HAVE
22 DELAYED SOME RIGHT-OF-WAY FUNDING FOR MONTROSE WEST AND --

23

24 **SPEAKER:** AND THE COMMITTEE IS RECOMMENDING A FURTHER DELAY OF
25 \$550,000.

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1

2 **COUNCILMEMBER FLOREEN:** RIGHT.

3

4 **SPEAKER:** REFLECTING THAT CONSTRUCTION WOULDN'T START NOW IN
5 FY05 ANYWAY.

6

7 **COUNCILMEMBER FLOREEN:** RIGHT, RIGHT.

8

9 **SPEAKER:** THEN I THINK MR. DENIS HAS A MOTION.

10

11 **COUNCIL PRESIDENT PEREZ:** I THINK MR. DENIS WANTED TO --

12

13 **COUNCILMEMBER FLOREEN:** WELL, WELL, HOWEVER YOU WANT TO DO IT.

14

15 **COUNCILMEMBER DENIS:** NO, NO.

16

17 **COUNCILMEMBER FLOREEN:** NO, I DIDN'T THINK SO.

18

19 **COUNCIL PRESIDENT PEREZ:** I ACTUALLY THINK THAT -- I THINK IT
20 IS, MR. DENIS.

21

22 **COUNCILMEMBER DENIS:** I'LL DEFER TO --

23

24 **COUNCIL PRESIDENT PEREZ:** WE'RE TALKING ABOUT THE C.I.P.
25 AMENDMENT.

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1

2 **COUNCILMEMBER DENIS:** THE PRESIDENT AND --

3

4 **COUNCIL PRESIDENT PEREZ:** YEAH, I THINK THIS IS THE RIGHT TIME.

5

6 **COUNCILMEMBER DENIS:** I DON'T WANT TO CUT A COLLEAGUE --

7

8 **COUNCILMEMBER FLOREEN:** WE HAVE -- THAT'S OKAY, MR. DENIS. WE
9 HAVE, AS I SAID, THERE ARE A VARIETY OF PUTS AND TAKES IN THE
10 C.I.P. PROGRAM HERE. AND WE CAN TAKE THEM SERIATIM OR IF YOU
11 WANT TO INTERJECT YOUR A MOTION. I KNOW YOU HAVE THINGS TO SAY.

12

13 **COUNCILMEMBER DENIS:** NO. IF THIS IS THE APPROPRIATE TIME, MR.
14 PRESIDENT --

15

16 **COUNCIL PRESIDENT PEREZ:** IT IS.

17

18 **COUNCILMEMBER DENIS:** AND MADAM CHAIRMAN, DO I HAVE A MOTION TO
19 MAKE. AS DR. ORLIN IS HANDING OUT SOME DOCUMENTS THAT RELATE
20 TO MY MOTION. I MOVE THAT WE DELAY CONSTRUCTION OF THE
21 MONTROSE PARKWAY WEST PROJECT BY ONE YEAR. AND AS THE MATERIAL
22 IS BEING HANDED OUT I WOULD LIKE TO GIVE REASONS WHY. I'D LIKE
23 TO THANK THE COMMITTEE AND THE CHAIR FOR HER EXCELLENT
24 EXPLANATION AND PARTICULARLY I'D LIKE TO CALL THE COUNCIL'S
25 ATTENTION TO WHAT IS WRITTEN ON PAGE TWO OF THE PACKET IN THE

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1 SECOND PARAGRAPH. IT SAYS THE MONTROSE PARKWAY WEST PROJECT IS
2 NOT PROCEEDING QUITE AT A PACE SHOWN ON THE PROJECT
3 DESCRIPTION FORM. THEN YOU JUMP FROM THERE TO THE VERY NEXT
4 PARAGRAPH IN BOLD PRINT. AND YOU WILL SEE THE ACTION BEING
5 RECOMMENDED BY THE COMMITTEE TO DEFER \$550,000 OF IMPACT TAX
6 MONEY FROM FY05 TO FY09. MY AMENDMENT SIMPLY BUILDS ON THAT,
7 WHICH IS MY AMENDMENT CREATES AN ADDITIONAL NINE-MONTH DELAY.
8 I HAVE DISTRIBUTED A COPY OF THE PROJECT SHEET THAT
9 INCORPORATES MY AMENDMENT TO THE MONTROSE PARKWAY WEST PROJECT.
10 A ONE-YEAR DELAY IN THE SCHEDULE WILL FREE UP \$5.4 MILLION IN
11 TRANSPORTATION IMPACT TAX FUNDING AND GENERAL OBLIGATION BONDS
12 IN FY06 FOR USE ON OTHER PROJECTS. I AM PROPOSING THAT THESE
13 FUNDS BE USED IN THE NEARBY NEBIL STREET PROJECT. AND I
14 BELIEVE THAT DR. ORLIN IS DISTRIBUTING A COPY OF THE NEBIL
15 STREET PROJECT DESCRIPTION FORM THAT WOULD BE CHANGED AS WELL,
16 SHOULD THIS AMENDMENT BE ADOPTED. THIS WILL IN RETURN REDUCE
17 THE NEED FOR PAYGO, THAT IS CASH IN THE CAPITAL IMPROVEMENTS
18 PROGRAM IN FY06 BY \$5.4 MILLION. LESS PAYGO MEANS LESS TAX
19 REVENUE, WHICH TRANSLATES INTO \$5.4 MILLION IN TAX RELIEF.
20 UNDER MY PROPOSAL FUNDING OF MONTROSE PARKWAY WOULD BE
21 COMPLETED IN FY10 RATHER THAN FY09. THIS IS NOT A
22 DISAPPROPRIATION, AS DR. ORLIN HAS POINTED OUT IN HIS MEMO TO
23 COUNCILMEMBERS. I UNDERSTAND THE ACTUAL DELAY IN THE START OF
24 THIS PROJECT WILL BE APPROXIMATELY NINE MONTHS. THERE ARE
25 THREE REASONS FOR MY MOTION: ONE, THE FULL BENEFIT OF MONTROSE

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1 PARKWAY WEST WILL NOT BE REALIZED UNTIL THE STATE HIGHWAY
2 ADMINISTRATION BUILDS THE MONTROSE PARKWAY-ROCKVILLE PIKE
3 GRADE SEPARATED INTERCHANGE, WHICH IS NOW NOT SCHEDULED TO BE
4 FINISHED UNTIL 2012. THAT PROJECT IS BASICALLY A TUNNEL UNDER
5 ROCKVILLE PIKE. THAT WAS BETTY ANN KRANHKE'S POSITION WHEN SHE
6 PRECEDED ME ON THE COUNCIL. THAT IS MY POSITION AS WELL. I
7 ALSO BELIEVE THE STATE SHOULD ACCELERATE THEIR PROJECT SO THAT
8 BOTH CAN BE SYNCHRONIZED. OTHERWISE, IT IS MY STRONG BELIEF
9 THAT TRAFFIC WILL ONLY GET WORSE UNTIL THE PROJECTS COME
10 TOGETHER. IT WOULD BE LIKE BUILDING A TUNNEL OR BRIDGE HALFWAY.
11 DELAYING THE PROJECT WILL LIKELY REDUCE ITS COST. WE'VE HEARD
12 THE COST OF CONSTRUCTION IS VERY HIGH RIGHT NOW. WE'VE ALSO
13 BEEN BRIEFED THAT THERE WILL LIKELY BE LOWER UNIT COSTS FOR
14 STEEL, CONCRETE AND RELATED ITEMS NEXT YEAR. FINALLY, THE \$5.4
15 MILLION CUT FROM PAYGO CAN BE PASSED ON AS ADDITIONAL PROPERTY
16 TAX RELIEF. ADDED TO MY RECOMMENDATIONS ON SPENDING
17 AFFORDABILITY THAT I ISSUED APRIL 19TH, THE TOTAL PROPERTY TAX
18 RELIEF WOULD PROVIDE FOUR CENTS ON THE TAX RATE IN TERM OF
19 RELIEF, AN AVERAGE OF \$176 FOR THE AVERAGE HOME HOMEOWNER,
20 TWICE WHAT THE COUNTY EXECUTIVE HAS PRESENTED TO US IN THE
21 BUDGET. WHILE I AM A SUPPORTER OF THE MONTROSE PARKWAY, I AM
22 CONVINCED THAT MONTROSE PARKWAY WEST IS NOT READY FOR
23 PRIMETIME. IT MAKES MUCH MORE SENSE TO TAKE THIS DELAY SO THE
24 PROJECT CAN BE DONE IN SEQUENCE WITH THE STATE'S PART. IT WILL
25 ALSO HELP US REDUCE THE TAX BURDEN ON COUNTY HOMEOWNERS AND

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1 GET CLOSER TO THE CHARTER LIMIT. THIS COUNCIL, IN A LETTER TO
2 OUR DELEGATION IN ANNAPOLIS, DATED NOVEMBER 4, 2004 ASKED THE
3 STATE TO ACCELERATE THE MONTROSE EAST PROJECT BY MAKING IT
4 THEIR TOP PRIORITY IN THE COUNTY. I DUG OUT A COPY OF THAT
5 LETTER TODAY. THIS LETTER IS SIGNED BY COUNTY EXECUTIVE DUNCAN
6 AND THEN COUNCIL PRESIDENT STEVE SILVERMAN. AND IT SAYS THAT
7 THE STATE'S SHARE, WHAT IS KNOWN AS MONTROSE PARKWAY EAST, IS
8 THE TOP PRIORITY. IT'S IDENTIFIED AS THE HIGH-PRIORITY PROJECT
9 THAT HAS BEEN PREVIOUSLY IDENTIFY BY THE EXECUTIVE AND THE
10 COUNCIL TO STATE AND FEDERAL DELEGATIONS. AND IT SAYS, AND I
11 QUOTE, WHAT WE ARE ASKING THE STATE TO DO IS TO ACCELERATE THE
12 START OF CONSTRUCTION ON THE STATE'S SHARE OF THE PROJECT,
13 FROM FOUR YEARS, FROM 2010 BECAUSE OTHERWISE IT WOULD BE
14 COMPLETED IN 2012. WHY? THE COUNCIL GAVE ITS REASONS. COUNCIL
15 AND EXECUTIVE GAVE ITS REASONS. IN ORDER TO PERMIT THE MOST
16 SEAMLESS COORDINATION WITH THE COUNTY'S MONTROSE PARKWAY WEST
17 PROJECT AND TO CAUSE THE LEAST DISRUPTION TO AREA RESIDENTS.
18 IT WAS TRUE THEN. IT'S TRUE NOW. IT WAS THE UNANIMOUS VIEW OF
19 THE COUNCIL AND THE EXECUTIVE WORKING TOGETHER. THE STATE
20 FAILED TO DO THAT, REJECTING OUR REQUEST, AND THUS CREATING A
21 SERIOUS PROBLEM. AGAIN, AND QUITE SIMPLY, WE ASKED THE STATE
22 TO ACCELERATE MONTROSE EAST SO IT COULD BE SYNCHRONIZED WITH
23 MONTROSE WEST. THAT PROVES THE POINT. THAT SYNCHRONIZATION OF
24 MONTROSE EAST AND MONTROSE WEST IS ESSENTIAL TO RELIEVE

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1 CONGESTION. THAT IS EXACTLY WHAT I'M SEEKING TO DO WITH THIS
2 MOTION. THANK YOU, MR. PRESIDENT.

3

4 **COUNCIL PRESIDENT PEREZ:** THERE ARE NO QUESTIONS. SO WE CAN
5 JUST TAKE THE VOTE -- [LAUGHTER]

6

7 **COUNCILMEMBER FLOREEN:** I THINK WE HAVE MR. -- THE GENERAL -- I
8 WOULD LIKE TO HAVE THE THE DEPARTMENT RESPOND TO THIS.

9

10 **COUNCIL PRESIDENT PEREZ:** IS THERE, YEAH --

11

12 **COUNCILMEMBER DENIS:** I HAVE MOTION ON THE FLOOR. IS THERE A
13 SECOND?

14

15 **MR. HOLMES:** I'M NOT SURE OF YOUR PROTOCOL AS TO WHETHER I CAN
16 SAY ANYTHING.

17

18 **COUNCILMEMBER FLOREEN:** I'D LIKE YOU TO, YES, PLEASE.

19

20 **COUNCIL PRESIDENT PEREZ:** RIGHT NOW. AND THEN THERE ARE A
21 NUMBER OF PEOPLE WHO MAY HAVE QUESTIONS. [OVERLAPPING
22 VOICES]

23

24 **MR. HOLMES:** I SHOULD HAVE NEVER SPOKEN. [OVERLAPPING VOICES]

25

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1 **MR. HOLMES:** THANK YOU FOR ALLOWING D.P.W.T. TO ADDRESS SOME
2 IMPORTANT POINTS AS WE BEGIN OUR DISCUSSION OF THE
3 TRANSPORTATION BUDGET AND SPECIFICALLY OF MONTROSE PARKWAY.
4 YESTERDAY'S ANNOUNCEMENT OF AN INITIATIVE TO DELAY
5 CONSTRUCTION ON THE MONTROSE PARKWAY PROJECT CAUGHT ME
6 COMPLETELY BY SURPRISE. THE MONTROSE PARKWAY PROJECT HAS BEEN
7 VETTED BY THE PLANNING BOARD, THE COUNCIL, THE EXECUTIVE
8 BRANCH AND AS AN ASIDE, I REMEMBER DISCUSSING -- DISCUSSIONS
9 AND DECISIONS ON THE REQUIREMENTS FOR AND THE ROUTE OF THE
10 PARKWAY AT LEAST SIX, MAYBE SEVEN YEARS AGO AS A MEMBER OF THE
11 PLANNING BOARD. BASED ON DECISIONS MADE OVER THE YEARS BY THE
12 COUNCIL, D.P.W.T. HAS BEEN MOVING TO IMPLEMENT DECISIONS OF
13 THE COUNCIL AND THE EXECUTIVE BRANCH. WE HAVE PROMULGATED AN
14 INVITATION FOR BID TO POTENTIAL BIDDERS AND ARE SCHEDULED TO
15 OPEN THOSE BIDS ON THURSDAY, JUNE 2ND. WE EXPECT TO BEGIN
16 CONSTRUCTION IN SEPTEMBER. MUCH IS BEING MADE OF A SO-CALLED
17 LACK OF REQUIREMENT FOR THE WESTERN SEGMENT IN LIGHT OF THE
18 DELAY EXPECTED IN CONSTRUCTION OF THE 355- MONTROSE
19 INTERCHANGE. HOWEVER, WE HAVE DEMONSTRATED THE UTILITY OF THE
20 STAND-ALONE WESTERN SEGMENT TO THE SATISFACTION OF THE
21 MARYLAND DEPARTMENT OF ENVIRONMENT AND THE CORPS OF ENGINEERS.
22 FACTS ARE THAT TRAFFIC STUDIES SHOW THAT A MAJORITY OF THE
23 VEHICLES COMING FROM I-270 TURN TO THE NORTH OR TO THE SOUTH
24 AT EAST JEFFERSON AVENUE TO REACH THE EMPLOYMENT CENTERS IN
25 ROCKVILLE AND NORTH BETHESDA. FURTHER, IT IS ESTIMATED THAT

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1 OVER 160,000 JOBS ARE LOCATED WITHIN THREE-MILE RADIUS OF THE
2 PARKWAY. THIS PROJECT HAS BEEN AND CONTINUES TO BE ONE OF THE
3 COUNTY EXECUTIVE'S HIGHEST PRIORITY TRANSPORTATION PROJECTS.
4 WE THE COUNTY HAVE TRANSMITTED TO OUR DELEGATION AND M.D.O.T.
5 THE IMPORTANCE OF ACCELERATING THE INTERCHANGE. TO AT THIS
6 LATE DATE, BACK AWAY FROM THE PROJECT CERTAINLY DIMINISHES OUR
7 CREDIBILITY AND DEFINITELY WEAKENS OUR ABILITY TO PUT PRESSURE
8 ON THE STATE TO MOVE FORWARD AND CONSTRUCT THE INTERCHANGE.
9 DELAY IS ALSO ALMOST CERTAIN TO RESULT IN INCREASED COSTS. I
10 STRONGLY RECOMMEND THAT THE COUNCIL CONTINUE TO SUPPORT OUR
11 CURRENT PLAN TO BEGIN CONSTRUCTION OF THE PARKWAY IN THE FALL.
12 I WOULD LIKE FOR EDGAR GONZALEZ, WHO HAS BEEN REALLY DEEP INTO
13 THIS TO TALK FOR JUST A FEW MOMENTS ABOUT SOME MORE DETAILS OF
14 THE PROJECT.

15
16 **MR. GONZALEZ:** THANK YOU, BOSS. [LAUGHTER]

17
18 **MR. HOLMES:** I'M GETTING ALL KIND OF NAMES.

19
20 **MR. GONZALEZ:** MR. PRESIDENT, MEMBERS OF THE COUNCIL, WE HAVE
21 PREPARED A DOCUMENT ELABORATING POINTS AS TO WHY THIS PROJECT
22 SHOULD NOT BE DELAYED. INSTEAD OF REPEATING THE SAME POINTS,
23 LET ME ADDRESS THE REASONS GIVEN FOR A DELAY. I APPRECIATE THE
24 SUPPORT OF THE HONORABLE COUNCILMEMBER, MR. DENIS, FOR THE
25 MONTROSE PARKWAY WEST AND FOR THE ACCELERATION OF THE

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1 INTERCHANGE BUT THE INTERCHANGE IS NOT GOING TO BE ACCELERATED,
2 UNLIKELY. AND WE CANNOT DELAY THIS PROJECT. LET ME TELL YOU
3 WHY THERE IS INDEPENDENT UTILITY AND WHY THERE ARE BENEFITS TO
4 THIS PROJECT WITHOUT THE INTERCHANGE. IN ORDER TO BETTER
5 UNDERSTAND THE PURPOSE AND NEED FOR THE PROJECT, YOU NEED TO
6 UNDERSTAND THAT NORTH BETHESDA IS A MAJOR EMPLOYMENT AND
7 DESTINATION CENTER. NOT ONLY THERE ARE OVER 160,000 JOBS
8 WITHIN THREE-MILE RADIUS OF THIS PROJECT BUT THAT CONSTITUTES
9 40% OF THE TOTAL EMPLOYMENT IN MONTGOMERY COUNTY. SEEING AS
10 THAT TIME -- THAT NUMBER IS 1990 -- THAT WAS 1996 INFORMATION,
11 SINCE THAT TIME NUMEROUS CONDOS AND ADDITIONAL PLACES OF
12 EMPLOYMENT HAD BEEN ADDED. THE PUBLIC SECTOR ALONE, WE HAVE
13 BUILT THE GROVESNOR PARKING GARAGE, AN ADDITIONAL 1,800
14 PARKING SPACES, STRATHMORE CENTER AND THE CONFERENCE CENTER.
15 IN FACT, BETWEEN JUNE 2003 AND OCTOBER 2004, A PERIOD OF 15
16 MONTHS, THE PLANNING BOARD APPROVED 3,400 DWELLING UNITS AND
17 2,936 JOBS IN THE AREA. OUR PROJECTION SHOWED CONGESTION
18 LEVELS, UNDESIRABLE LEVELS OF CONGESTION, AT THE SIX
19 INTERSECTIONS BETWEEN TOWER OAKS AND EAST JEFFERSON STREET BY
20 2010. THE PROJECT WILL IMPROVE SAFETY TO PEDESTRIAN, BICYCLIST
21 AND VEHICULAR TRAFFIC. THE PROJECT HAS COMPLETED AN
22 INDEPENDENT UTILITY SEPARATE FROM THE INTERCHANGE. AGAIN, THE
23 ISSUE IS THAT THE GENERAL [INAUDIBLE] DESTINATION POINT IS NOT
24 A PASS-THROUGH POINT. AS A RESULT OF CAREFUL COORDINATION AND
25 PLANNING WITH THE STATE, OUR PROJECT WILL FACILITATE THE

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1 MAINTENANCE OF TRAFFIC DURING THE CONSTRUCTION OF THE
2 INTERCHANGE. SO WE HAVE NEVER PLANNED TO HAVE THE TWO BEING
3 BUILT AT THE SAME TIME OR OPEN AT THE SAME TIME. THIS COUNCIL
4 HAS ACTED WITH THAT KNOWLEDGE IN THE PAST. IT IS ALLEGED THERE
5 MAY BE A LIKELY COST REDUCTION. LET ME POINT OUT THAT THE
6 P.D.F. THAT YOU HAVE IN FRONT OF YOU SHOWED RIGHT AWAY A
7 [INAUDIBLE] OF OVER \$4.3 MILLION IN THE SIX-YEAR PROGRAM. A
8 DELAY OF ONE YEAR COULD COST US AND OUR TAXPAYERS AN
9 ADDITIONAL \$600,000 IN LAND COST ALONE. THE COST OF LAND HAS
10 BEEN GROWING EVEN FASTER THAN STEEL AND CONCRETE. THE P.P.F.
11 SHOWS AN ESTIMATE OF \$29 MILLION. OUR HISTORICAL INFLATION
12 COST FOR ROAD CONSTRUCTION HAS BEEN 4% PER-YEAR. A ONE-YEAR
13 DELAY WILL COST THE TAXPAYERS OF THE COUNTY AN ADDITIONAL \$1.2
14 MILLION. NOW IS THE PERFECT TIMING FOR BIDDING THE PROJECT.
15 DUE TO THE UNCERTAINTY IN PASSAGE OF FEDERAL REAUTHORIZATION
16 BILL, CONTRACTORS WANT TO MAKE SURE THAT THEY HAVE THEIR
17 EQUIPMENT AND PERSONNEL FULLY OCCUPIED. THIS PROJECT WILL GIVE
18 THEM THAT OPPORTUNITY. IN FACT, THERE HAVE BEEN 20 INDIVIDUAL
19 CONTRACTORS WHO HAVE PICKED UP CONSTRUCTION BID PACKAGES.
20 SEVERAL OF THEM ARE LARGE ROAD CONTRACTORS THAT ARE NEW TO THE
21 COUNTY. FINALLY, NEXT YEAR THE STATE WILL BE VISITING THE
22 I.C.C. A DELAY OF ONE YEAR WILL PUT US IN THE SAME COMPETITIVE
23 ENVIRONMENT WITH THE STATE. THIS WILL REDUCE COMPETITION FOR
24 OUR PROJECT AND IT WILL RESULT IN ADDITIONAL COSTS. PUBLIC
25 POLICY ISSUE, THIS PROPOSAL COMES AT THE WRONG TIME, PRECISELY

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1 THE SAME DAY THAT THE TEXAS TRANSPORTATION INSTITUTE SHOWS
2 THAT OUR AREA HAS THE THIRD WORST LEVEL OF CONGESTION, ONLY
3 BEHIND LOS ANGELES AND SAN FRANCISCO. BUT WHEREAS THOSE TWO
4 CITIES HAVE BEEN SHOWING REDUCTIONS IN DELAY FROM THE PREVIOUS
5 YEAR, WE SHOW INCREASES IN DELAY. SO, AT THIS PACE WE MAY
6 SURPASS THEM IN THE FUTURE. BOTH THE EXECUTIVE AND COUNCIL
7 HAVE SENT OUR STATE DELEGATION A CLEAR LIST OF TRANSPORTATION
8 PRIORITIES. CONSTRUCTION OF THE INTERCHANGE AT MIDDLE AND 355
9 AND MONTROSE IS THE HIGHEST PRIORITY. I WONDER, I ASK YOU, IS
10 IT GOOD PUBLIC POLICY AND ARE WE PROVIDING OUR DELEGATION THE
11 SUPPORT THAT THEY NEED TO ACCELERATE THE INTERCHANGE WHILE AT
12 SAME TIME WE DELAY OUR PROJECT. WE URGE YOU TO REJECT THIS
13 MOTION.

14
15 **COUNCIL PRESIDENT PEREZ:** OKAY. WE HAVE A FEW QUESTIONS. I
16 THINK MR. SUBIN HAD HIS LIGHT ON FIRST.

17
18 **COUNCILMEMBER SUBIN:** THANK YOU, MR. PRESIDENT. I AM GOING TO
19 RESPECTFULLY VOTE AGAINST THE GENTLEMAN'S MOTION BEFORE US FOR
20 A NUMBER OF REASONS. FIRST OF ALL, IF THERE'S ONE THING THAT
21 WE HAVE COME TO DISTRUST, AND RIGHTFULLY DISTRUST, IT IS THE
22 STATE. IF WE ARE GOING TO SIT HERE AND THINK THAT THE
23 BENEVOLENCE OF ANNAPOLIS AND THE GOVERNOR'S MANSION IS GOING
24 TO SHINE UPON US SIMPLY BECAUSE WE MOVE SOMETHING, IT JUST
25 ISN'T GOING TO HAPPEN. FOOL ME ONCE, OKAY. FOOL ME TWICE, I'M

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1 A FOOL. IF WE DEFER, THE STATE IS GOING TO DEFER. THERE IS
2 ABSOLUTELY NO QUESTION ABOUT THAT. AND I THINK THAT MR.
3 GONZALEZ IS ABSOLUTELY RIGHT. IF WE PUSH THIS INTO AN
4 EXPENDITURE PATTERN THAT IS GOING TO BRING IT WITHIN THE
5 EXPENDITURE FROM THE STATE FOR THE I.C.C., THIS WILL DISAPPEAR.
6 NOT ONLY WILL THEY NOT SPEED UP THEIR FUNDING BUT IT WILL BE
7 GONE. SO I DO NOT BELIEVE -- I CERTAINLY CAN'T PROVE IT AT
8 THIS POINT BUT I DO NOT BELIEVE THAT IF ONE IS GOING TO USE
9 THAT RATIONALE THAT ONE CAN BE FOR THE MONTROSE PARKWAY AND
10 REALLY BE FOR THE MONTROSE PARKWAY. IT JUST ISN'T GOING TO
11 WORK. TO DELAY THIS FOR OTHER ROADS MAKES SOME ASSUMPTIONS
12 WHICH I DON'T BELIEVE THAT THE EXECUTIVE IS GOING TO BE ABLE
13 TO GIVE US WITH A 24-HOUR NOTICE THAT THIS WOULD BE THE MOTION.
14 IT ASSUMES THAT WHATEVER MONIES ARE HERE ARE GOING TO BE
15 FUNGABLE FOR OTHER ROADS TO THE EXTENT THAT THE PLANNING IS
16 COMPLETE. AND SIMPLY BECAUSE WE SIT UP HERE AND CHANGE
17 EXPENDITURE SCHEDULES, THAT WE WILL BE ABLE TO SHIFT AND
18 SWITCH CONSTRUCTION SCHEDULES. I DON'T THINK THAT IS GOING TO
19 HAPPEN AND I DON'T THINK THAT THE DEPARTMENT IS IN A PLACE TO
20 BE ABLE TO DO THAT. IN TERMS OF THE TRAFFIC, AGAIN, I THINK MR.
21 GONZALEZ IS RIGHT. ANYBODY WHO HAS HABITUALLY USED THAT ROAD
22 GOING EAST FROM 270 KNOWS THAT YOU PRAY. YOU LOOK UP AND YOU
23 JUST PRAY, OH, LORD, GET ME PAST THAT INTERSECTION. ONCE YOU
24 GET PAST THE INTERSECTION OF EAST JEFFERSON AND MONTROSE IT
25 OPENS UP. THE TRAFFIC DOESN'T SIMPLY GO, WHOOSH AND DISAPPEAR.

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1 IT GOES TO THE RIGHT ON EAST JEFFERSON TO EXECUTIVE BOULEVARD
2 AND TO THE LEFT INTO OTHER AREAS OF NORTH BETHESDA. IT DOESN'T
3 GO STRAIGHT THROUGH. SO ANYTHING THAT TAKES THAT TRAFFIC OFF
4 OF MONTROSE FROM 270 IS, IN FACT, GOING TO MAKE A SIGNIFICANT
5 DIFFERENCE WITH OR WITHOUT THE IMPROVEMENTS FOR MONTROSE EAST
6 355 AND MONTROSE PARKWAY. NOW ON THIS ONE, HAVING BEEN
7 FOREWARNED BY GLENN TO TAKE A REAL CLOSE LOOK AT THE
8 EXPENDITURE SCHEDULES AND THE P.D.F.S, FRANKLY, IN TERMS OF
9 PROPERTY TAX AND THE BUDGET AND THE CHARTER LIMIT, THERE ARE
10 NO SAVINGS. THERE ARE NO SAVINGS AT ALL. THERE MAY -- NOT TO
11 THE EXTENT WE'RE TALKING ABOUT. IT LOOKS LIKE FROM '06 YOU
12 HAVE \$450,000, \$454,000 IN PLANNING, DESIGN AND SUPERVISION
13 BUT IF THAT IS BEING PAID FOR BY THE IMPACT TAX, THERE ARE
14 NONE. THERE ARE G.O. BOND SAVINGS AND THERE ARE IMPACT TAX
15 SAVINGS BUT I'M NOT SURE WHERE THE BOND SAVINGS ARE GOING TO
16 GO EFFECTIVELY IF ONE ASSUMES THAT YOU'RE SWITCHING ONE
17 TRANSPORTATION PROJECT TO ANOTHER BECAUSE AGAIN, CAN THIS WORK
18 BE DONE? FOLK, THE IMPACT TAX BY LAW CAN ONLY BE USED FOR ONE
19 THING. AND IT IS NOT A PART OF THE PROPERTY TAX CALCULATIONS.
20 NOW ONE COULD ARGUE, I THINK, THAT THE HOMEBUYERS ARE
21 ULTIMATELY -- OR THE BUSINESS OFFICE OWNERS ARE PAYING FOR
22 THIS BUT THAT SPECULATION DOESN'T SHOW UP IN THE PROPERTY TAX
23 CALCULATIONS. IT DOESN'T SHOW UP.

24
25 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

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1

2 **COUNCILMEMBER SUBIN:** PARDON ME?

3

4 **SPEAKER:** MY NUMBERS CAME FROM DR. ORLIN. I GUESS I CAN RESPOND
5 TO THAT POINT, MR. SUBIN, IF YOU WANT ME TO. UNLESS YOU WANT
6 TO FINISH --

7

8 **COUNCILMEMBER SUBIN:** WELL, YOU MAY AS WELL ADDRESS IT NOW
9 BECAUSE I'M LOOKING AT THE P.D.F. AND IT SAYS IMPACT TAX.

10

11 **SPEAKER:** IF YOU LOOK AT THE HANDOUT THAT I JUST DID, IT HAS
12 THREE PAGES, MONTROSE PARKWAY WEST, AND THAT'S TWO PAGES AND
13 THE LAST ONE'S NEBIL STREET. LET'S GO THROUGH IT VERY QUICKLY.
14 IN FY06 THE NUMBERS THAT WERE CROSSED OUT UNDER THE FUNDING
15 SCHEDULE, THERE WAS -- THERE IS CURRENTLY FROM -- THIS IS THE
16 EXECUTIVE'S P.D.F. -- \$1,868,000 IN BONDS, AND \$4,850,000 IN
17 IMPACT TAX.

18

19 **COUNCILMEMBER SUBIN:** RIGHT.

20

21 **SPEAKER:** AND YOU'RE ABSOLUTELY RIGHT ABOUT IMPACT TAX. THAT
22 CAN ONLY BE USED FOR TRANSPORTATION PROJECTS THAT ARE ADDING
23 CAPACITY. WHAT MR. DENIS'S PROPOSAL DOES IS THE FOLLOWING: IS
24 ON THE MONTROSE PARKWAY WEST PROJECT, IT REDUCES THE BONDS
25 \$1.3 MILLION DOWN TO THE \$550,000.

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1

2 **COUNCILMEMBER SUBIN:** OKAY. I SEE THAT.

3

4 **SPEAKER:** THAT \$1.3 MILLION DIRECTLY CAN BE USED TO REDUCE
5 PAYGO AND BE USED TOWARDS PROPERTY TAX RELIEF, WHICH IS --

6

7 **COUNCILMEMBER SUBIN:** WAIT A MINUTE. WAIT A MINUTE. WAIT A
8 MINUTE. OKAY. THERE'S \$1.3 MILLION IN G.O. BONDS THAT GETS
9 SAVED. OKAY.

10

11 **SPEAKER:** RIGHT. AND I GUESS A PREDICATE TO ALL THIS, THERE'S
12 \$15 MILLION STILL IN THE EXECUTIVE'S RECOMMENDATION FOR
13 UNALLOCATED PAYGO. THAT'S MONEY WHERE IF YOU REDUCE BOND-
14 FUNDED PROJECTS ANYWHERE IN THE C.I.P. BY AS MUCH AS \$15
15 MILLION BELOW THE EXECUTIVE, IF YOU CHOOSE -- IT'S YOUR CHOICE,
16 YOU'RE THE POLICY MAKERS -- YOU CAN REDUCE THAT AS A DRAW ON
17 THE AGGREGATE OPERATING BUDGET. AND IF YOU WANT TO APPLY THAT
18 TO TAX RELIEF --

19

20 **COUNCILMEMBER SUBIN:** WAIT, WAIT, WAIT. YOU ARE NOT MAKING A
21 BOND EXPENDITURE, CORRECT? I'M LOOKING AT MS. PRAISNER, TOO.

22

23 **COUNCILMEMBER PRAISNER:** THE MONTROSE PARKWAY PROJECT IS A
24 BOND-FUNDED PROJECT WITH THE SOURCE OF FUNDING FOR SOME OF IT
25 IMPACT TAX. CORRECT?

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1

2 **SPEAKER:** THERE'S BOND FUNDING AND THERE'S IMPACT TAXES IN IT
3 RIGHT NOW. ALL I'M SAYING IS, IN THE PORTFOLIO OF BOND FUNDS
4 IN THE ENTIRE C.I.P., SCHOOLS, COLLEGE, PARK AND PLANNING,
5 TRANSPORTATION, ANYTHING, ALL OF THAT IS SUPPORTED BY G.O.
6 BONDS AND PAYGO. THERE'S \$15 MILLION OF THAT THAT'S PAYGO.

7

8 **COUNCILMEMBER SUBIN:** BUT THERE'S NOTHING ABOUT PAYGO IN HERE.

9

10 **SPEAKER:** IT'S NOT LISTED. PAYGO -- PAYGO IS NEVER ASSIGNED TO
11 PROJECTS UNTIL LATER -- MARTHA CAN EXPLAIN.

12

13 **COUNCILMEMBER FLOREEN:** CAN I MAKE A --

14

15 **COUNCILMEMBER SUBIN:** WAIT A MINUTE. ALL RIGHT. BUT THERE IS
16 NOTHING IN THE MOTION THAT HAS ANY -- SWITCH --

17

18 **SPEAKER:** LET ME FINISH THE REST OF IT, SORRY. THE REST OF IT
19 IS THIS. THAT'S THE \$1.3 MILLION. THE \$4 MILLION, OR \$4.1
20 MILLION, WHICH IS TAKEN OUT OF MONTROSE PARKWAY FROM
21 TRANSPORTATION IMPACT TAX IS MOVED -- TURN TO THE LAST PAGE,
22 TO NEBIL STREET, THAT IS WHY NEBIL STREET IS IN THIS PACKAGE.
23 THE NEBIL STREET \$4.1 MILLION SUPPLANTS \$4.1 MILLION IN BONDS
24 AND MR. DENIS' PROPOSAL WOULD REDUCE PAYGO BY ANOTHER \$4.1
25 MILLION, TOTAL \$5.4 MILLION. THAT'S THE REDUCTION.

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1

2 **COUNCILMEMBER FLOREEN:** MR. SUBIN, IF I MAY --

3

4 **COUNCILMEMBER SILVERMAN:** WHICH GOES INTO TREE-TRIMMING.

5

6 **COUNCILMEMBER FLOREEN:** MR. SUBIN, MAY I ASK A QUESTION IF --

7

8 **COUNCILMEMBER SUBIN:** MAYBE YOU WANT TO USE IT FOR SELF-

9 INSURANCE ON TREES. [LAUGHTER]

10

11 **COUNCILMEMBER FLOREEN:** MAY I ASK -- GLENN, THERE'S \$15 MILLION

12 FLOATING AROUND. THE COUNTY EXECUTIVE HAS ALREADY TAKEN \$15 IN

13 HIS BUDGET PROPOSAL --

14

15 **SPEAKER:** WELL, THERE WAS LARGER AMOUNT AND THE EXECUTIVE, IN

16 MAKING HIS RECOMMENDATIONS IN MARCH, RECOMMENDED DEFERRALS ON

17 A LOT OF PROJECTS, WHICH REDUCED THE AMOUNT OF PAYGO AVAILABLE

18 FOR UNALLOCATED PAYGO TO \$15 MILLION IN FY06.

19

20 **COUNCILMEMBER FLOREEN:** SO THERE'S \$15 AVAILABLE NOW TO COVER

21 THINGS LIKE INCREASED COSTS OF EXISTING PROJECTS.

22

23 **SPEAKER:** ANYTHING. ANYTHING THAT'S BOND FUNDED.

24

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1 **COUNCILMEMBER FLOREEN:** SCHOOLS, OTHER FACILITIES, THE KINDS OF
2 THINGS THAT WE'VE ADDED INTO THE C.I.P. AND OTHER CATEGORIES?

3

4 **SPEAKER:** THE REMAINING UNALLOCATED PAYGO IS NOT FLOATING, IT
5 IS REQUIRED -- IT IS REQUIRED TO FUND THE C.I.P. IF YOU CHOOSE
6 TO USE SOME OF IT, TAKE IT OUT AND USE IT FOR THE OPERATING
7 BUDGET, THAT'S CERTAINLY YOUR CHOICE. YOU HAVE TO, HOWEVER,
8 REDUCE EQUIVALENTLY THE SIZE OF THE C.I.P., WHICH IS WHAT
9 GLENN IS SAYING TO YOU.

10

11 **COUNCILMEMBER FLOREEN:** WE VOTED TO INCREASE THE BOND FUNDING
12 CAPACITY OF THE COUNTY A COUPLE MONTHS AGO.

13

14 **SPEAKER:** CORRECT.

15

16 **COUNCILMEMBER FLOREEN:** WHAT DOES THIS DO TO THAT?

17

18 **SPEAKER:** NOTHING.

19

20 **COUNCILMEMBER FLOREEN:** IN TERM OF OUR ABILITY TO FUND?

21

22 **SPEAKER:** IF YOU REMOVE PAYGO AND YOU REMOVE AN EQUIVALENT OF
23 \$5.4 MILLION WORTH OF EXPENDITURES YOU'RE EVEN.

24

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1 **COUNCILMEMBER FLOREEN:** YOU'RE EVEN. BUT YOU HAVE TO REMOVE
2 THOSE EXPENDITURES AND NOT REPLACE THEM?

3

4 **SPEAKER:** THAT'S RIGHT.

5

6 **COUNCILMEMBER SUBIN:** WELL, BUT SOMETHING IS BEING REPLACED
7 HERE BECAUSE IF YOU LOOK AT NEBIL STREET THERE ARE NO
8 CONTRIBUTIONS. AND THEN YOU'RE USING UP \$4 MILLION IN IMPACT
9 TAX. WELL, WHERE IS THAT IMPACT TAX -- HOW IS THAT IMPACT TAX
10 GOING TO BE REPLACED FOR MONTROSE PARKWAY IF YOU'VE NOW USED
11 IT FOR NEBIL STREET.

12

13 **SPEAKER:** IT'S \$4 MILLION IN IMPACT TAXES THAT WE THINK WILL BE
14 AVAILABLE IN '07, WOULD BE USED ON NEBIL STREET INSTEAD OF
15 MONTROSE PARKWAY.

16

17 **COUNCILMEMBER SUBIN:** OH, YOU THINK. I'M SURE BONDS RATING
18 AGENCIES ARE GOING TO APPRECIATE THE FACT THAT WE'VE TAKEN \$4
19 MILLION OUT OF THE MONTROSE PARKWAY IN IMPACT TAXES, PUT IT
20 INTO NEBIL STREET, MOVED THE PEAS AROUND UNDER THE SHELL
21 BECAUSE WE THINK, WE THINK THAT THE IMPACT TAXES WILL BE BACK
22 IN '07 BUT YOU DON'T -- BUT YOU DON'T SHOW THAT FOR MONTROSE
23 PARKWAY. WHAT YOU'RE SHOWING IS LESS IN IMPACT TAXES. YOU GO
24 FROM \$4 MILLION IN '06, \$6.4 MILLION TO \$4 MILLION IN '07 SO
25 NOW YOU'RE DOWN 4 PLUS 2.4, ANOTHER \$10,000 DOWN IN '08,

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1 \$60,000 UP IN '09. AND WHILE I'M NOT A MATH WIZARD, THAT
2 DOESN'T SEEM TO ME THAT -- THEN THERE IS 6460 MORE IN '10 BUT
3 CONSTRUCTION STARTS IN '07 AD WE'VE PUT OFF \$6.5 MILLION FROM
4 '07 TO '10 AND \$6.5 MILLION DOWN AND YOU SAY IT'S NOT GOING TO
5 MAKE ANY -- IT'S NOT GOING TO RESULT IN ANY DEFERRALS IN THE
6 ROAD.

7

8 **SPEAKER:** OH, IT DOES. IT DEFERS MONTROSE PARKWAY A YEAR.

9

10 **COUNCILMEMBER SUBIN:** WELL, A YEAR. A YEAR, BUT YOUR MONIES
11 DON'T COME IN FOR THREE. COME ON, FOLKS. YOU KNOW, THERE ARE
12 SOME GRAND CHANGES HERE AND WE'RE HIDING THEM UNDER SOME
13 VERBIAGE THAT SAYS WE'RE GOING TO HOPE THAT THE STATE, WE'RE
14 GOING TO HOPE THAT THE IMPACT TAX. YOU KNOW, EVERYBODY IS
15 SAYING AT SOME POINT THIS BUILDING IS GOING TO COME TO AN END.
16 AT SOME POINT WE'RE GOING TO RUN OUT OF BUILDABLE LAND. SO
17 AFTER THAT, WHERE IS THE IMPACT TAX? YOU KNOW, THE MORTGAGE
18 BANKERS ARE SCARED OF THEIR SHADOWS AND SAYING WE'RE GOING TO
19 LEAVE MONTGOMERY COUNTY BECAUSE WE DON'T WANT THEM TO
20 DISCRIMINATE --

21

22 **SPEAKER:** IT'S YOUR BILL -- [LAUGHTER]

23

24 **COUNCILMEMBER SUBIN:** IT'S MY -- I CO-SPONSORED THE BILL BUT I
25 DIDN'T FEAR -- IN FACT I DARE, YOU KNOW, I'LL BE THE MOST

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1 SURPRISED PERSON AROUND IF THEY STOPPED LENDING MONEY IN
2 BETHESDA AND NORTH POTOMAC, AND POTOMAC, AND ASHTON, AND
3 BURTONSVILLE AND BROOKEVILLE. COME ON. BUT YOU KNOW, THEY'RE
4 CRYING THAT FEAR. FROM A FISCAL STANDPOINT THIS MAKES
5 ABSOLUTELY NO SENSE. AND TO ROLL THE DICE ON A WING AND A
6 PRAYER THAT THE STATE IS GOING TO COME THROUGH AND AT FOUR
7 YEARS FROM NOW WE'RE GOING TO GET THOSE ADDITIONAL IMPACT
8 TAXES DOESN'T CUT IT. IT JUST DOESN'T CUT IT. FOLKS, IF YOU'RE
9 OPPOSED TO THE MONTROSE PARKWAY, KILL IT OUTRIGHT BUT DON'T
10 PLAY GAMES. THIS IS A SHELL GAME. IF YOU'VE GOT THE VOTES TO
11 KILL IT, KILL IT. BUT LET'S NOT PERPETRATE A FRAUD IN THE
12 BUDGET HERE BECAUSE OF THE CHARTER LIMIT AND SAY WE'RE GOING
13 TO SAVE \$5 MILLION OR WHATEVER IT IS TO GET DOWN LOWER. THAT
14 DOESN'T EVEN GET INTO THE CALCULATIONS HERE. KILL IT IF YOU
15 WANT BUT DON'T PLAY GAMES.

16

17 **COUNCIL PRESIDENT PEREZ:** WE'LL JUST GO AROUND. MR. SILVERMAN?

18

19 **COUNCILMEMBER SILVERMAN:** THANK YOU, MR. PRESIDENT. I
20 APPRECIATE MR. DENIS' EFFORTS TO FIND ADDITIONAL RESOURCES FOR
21 THE END OF OUR BUDGET PROCESS, WHETHER WE USE IT FOR PROPERTY
22 TAX RELIEF OR FOR SOME OTHER PURPOSE. HE'S COMING AT THIS FROM
23 THE STANDPOINT OF SOMEONE WHO, I BELIEVE, IS ON RECORD
24 SUPPORTING THE MONTROSE PARKWAY. IF THIS WAS COMING FROM OTHER
25 QUARTERS I WOULD THINK THAT, IN FACT, IT WAS AN ATTEMPT TO

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1 ENSURE THE DEATH KNELL OF THE MONTROSE PARKWAY BUT I DON'T
2 BELIEVE THAT'S THE INTENT OF THE MOTION. HAVING SAID THAT, I
3 HAVE A COUPLE OF QUESTIONS WHICH WILL BE -- THE ANSWERS TO
4 WHICH WILL PLAY A ROLE AT LEAST IN TERMS OF WHERE I VOTE ON
5 THIS. FIRST OF ALL, I GUESS I'M GOING TO ASK GLENN AND I'LL
6 ASK OUR DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION WHETHER,
7 AND PERHAPS THIS IS SORT OF A TRUE END GAME OF OUR C.I.P.
8 PROCESS, ABOUT WHETHER THERE HAS BEEN A DETERMINATION THAT WE
9 HAVE TO SPEND 100% OF THE MONIES THAT ARE ON THE EXPENDITURE
10 SCHEDULE FOR FY06 OR WHETHER THERE IS A WAY TO DELAY SOME OF
11 THE EXPENDITURES WITHOUT, IN FACT, DELAYING THE PROJECT ITSELF.
12 THERE'S A LONG, LONG HISTORY OF DOING THAT WITH CAPITAL
13 PROJECTS. AND AS WE USE THE SHORT VERSION OF PAYING THE BILLS
14 JULY 1ST INSTEAD OF JUNE 30TH, BUT IF PART OF MR. DENIS' GOAL
15 AND I'M ONLY TALKING ABOUT THE MONEY SIDE OF THINGS, NOT ABOUT
16 THE SEQUENCING OF THE ROAD AND THOSE ISSUES, BUT ON THE MONEY
17 SIDE OF THINGS, I'D LIKE AN ANSWER AND IF YOU CAN'T PROVIDE IT
18 NOW, I'D LIKE TO GET AN ANSWER IN THE NEXT FEW DAYS AS TO
19 WHETHER OR NOT THERE ARE ANY OPPORTUNITIES TO MOVE SOME OF
20 THESE EXPENDITURES TO DIFFERENT YEARS.

21

22 **COUNCILMEMBER FLOREEN:** MR. SILVERMAN, LET ME JUST INTERJECT.
23 WE HAVE NOT REALLY GOTTEN INTO THE FULL C.I.P. RECOMMENDATIONS
24 BY THE COMMITTEE, BUT IF YOU WERE TO TAKE A PEEK AT YOUR
25 PACKET YOU'D SEE WE ALREADY --

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1

2 **COUNCILMEMBER SILVERMAN:** IF I HAD READ THE PACKET! IF YOU ARE
3 SUGGESTING -- WHERE SHOULD I BE PEEKING, MS. FLOREEN?

4

5 **COUNCILMEMBER FLOREEN:** WELL, YOU WOULD NOTICE ON PAGE 3 THAT
6 WE HAVE INDEED RECOMMENDED THE DEFERRAL OF THE GREEN TRAIL IN
7 SILVER SPRING BECAUSE OF THE PURPLE LINE DISCUSSIONS. AND
8 FRANKLY, THERE IS AN EASIER WAY TO ADDRESS MR. DENIS' POINT.
9 WE HAVE ADDED MONEY FOR THINGS LIKE RESURFACING OF ROADS.
10 WE'VE ADDED MONEY FOR SIDEWALK REVITALIZATION AND WE'VE ALSO
11 DEFERRED E.M.O.C., WHICH SHOULD HELP. BUT THERE ARE PUTS AND
12 TAKES IN ALL THAT. AND I THINK YOU'RE GETTING TO THE FACT THAT
13 ULTIMATELY THERE IS A RECONCILIATION PROCESS THAT GOES ON
14 THAT'S BASED ON BEST INFORMATION AT THE END OF THE DAY AS TO
15 WHAT PROJECTS ARE REALLY READY TO PROCEED AND CAN WE REALLY
16 SAY, FOR EXAMPLE, ADD \$3.5 MILLION TO THE RESURFACING PROGRAM.

17

18 **COUNCILMEMBER SILVERMAN:** WELL, I GUESS MY QUESTION WAS A MORE
19 NARROW ONE, WHICH IS, IN CONNECTION WITH THIS PROJECT,
20 MONTROSE PARKWAY WEST --

21

22 **COUNCILMEMBER FLOREEN:** \$4 MILLION HAS ALREADY BEEN MOVED.

23

24 **COUNCILMEMBER SILVERMAN:** RIGHT. YOU MOVED THAT FROM '05 TO '06
25 AND CONSTRUCTION FUNDING FROM '06 TO '08. IS THAT THE MAXIMUM

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1 MONIES THAT COULD BE SHIFTED WITHOUT CREATING A DELAY IN THE
2 MONTROSE PARKWAY WEST PROJECT?

3

4 **SPEAKER:** AND THE COMMITTEE IN ADDITION SHIFTED \$550,000 FROM
5 '05 TO '09.

6

7 **COUNCILMEMBER SILVERMAN:** OKAY. ANYTHING ELSE?

8

9 **SPEAKER:** SHORT OF DOING ACTUAL BUDGET GAMES, I WOULD NOT
10 RECOMMEND YOU DO THAT.

11

12 **COUNCILMEMBER SILVERMAN:** WHAT WOULD BE AN ACTUAL BUDGET GAME?

13

14 **SPEAKER:** AN ACTUAL BUDGET GAME WOULD SAY --

15

16 **COUNCILMEMBER FLOREEN:** GAME?

17

18 **SPEAKER:** GAME, WOULD SAY, WELL, IT'S A FULLY APPROPRIATE
19 PROJECT OR IS PROPOSED TO BE NOW. WE CAN MAKE THAT BE ANYTHING
20 WE WANT IT TO BE BECAUSE THE APPROPRIATION IS THERE. BUT THAT
21 IS A VERY SERIOUS BUDGET GAME AND I DON'T THINK YOU WANT TO GO
22 THERE.

23

24 **COUNCILMEMBER SILVERMAN:** NO, I'M JUST TRYING TO FIND OUT,
25 SINCE THE COUNTY EXECUTIVE ALREADY WENT AHEAD AND SHIFTED

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1 MONIES OF \$2 MILLION FOR THE RIGHT OF WAY FUNDING AND \$2
2 MILLION FOR THE CONSTRUCTION, WHETHER THAT WAS THE MAXIMUM
3 AMOUNT OF SHIFTING THAT COULD BE DONE ON THIS PROJECT WITHOUT
4 DELAYING THE PROJECT. OR WAS THIS JUST HAPPENED TO BE THE
5 NUMBER THAT SOMEBODY SETTLED ON?

6

7 **MR. GONZALEZ:** CAN I? THE NUMBERS THAT WERE TRANSMITTED TO YOU
8 ARE THE BEST ESTIMATES THAT WE HAVE BASED ON THE DELAY ON THE
9 ACQUISITION OF PERMITS FROM THE CORPS OF ENGINEERS. WE'RE
10 HAVING THAT HEARING IN A WEEK AND WE WILL OBTAIN THAT PERMIT
11 PROBABLY NO LATER THAN JUNE AND WE'LL START CONSTRUCTION ON
12 THE PROJECT BY THE FIRST OF SEPTEMBER. SO THAT REFLECTS OUR
13 BEST ESTIMATE TODAY AND WE STAND BY THOSE NUMBERS.

14

15 **SPEAKER:** AND THE \$550,00 WAS DONE SUBSEQUENT TO THAT AND THE
16 EXECUTIVE SENT OVER HIS AMENDMENTS IN MARCH. AND BY NOW WE
17 RECOGNIZE THAT THE PROJECT IS NOT GOING TO START IN JUNE. SO,
18 THAT'S WHY THE COMMITTEE SAID THERE SHOULDN'T BE MONEY IN FY05
19 FOR CONSTRUCTION, THAT SHOULD BE PUSHED OFF --

20

21 **MR. GONZALEZ:** YES, THAT IS CORRECT. WE HAD ANTICIPATED TO
22 OBTAIN THE PERMIT FROM M.D. AND THE CORPS AND THEN THEY
23 CHANGED THEIR MINDS. SO WE'RE HAVING THAT HEARING IN A WEEK.

24

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1 **COUNCILMEMBER SILVERMAN:** OKAY, SO YOU HAVE \$2 MILLION IN '06.
2 I'M NOT LOOKING AT GLENN'S MARKED-UP VERSION. I'M LOOKING AT
3 CIRCLE 3. SO YOU HAVE \$2 MILLION IN LAND COSTS IN FY06. ARE
4 THOSE COMMITTED ALREADY?

5

6 **MR. GONZALEZ:** WE INTEND TO COME TO YOU NO LATER THAN EARLY IN
7 JULY WITH A QUICK TAKE FOR ALL THE REMAINING PROPERTIES. AND
8 THAT WILL BE IN EXCESS OF \$2 MILLION.

9

10 **COUNCILMEMBER SILVERMAN:** OKAY. AND IS THAT -- OKAY. AND THE
11 SAME IS TRUE WITH REGARD TO CONSTRUCTION DOLLARS?

12

13 **MR. GONZALEZ:** YES. YES. I MEAN WE --

14

15 **COUNCILMEMBER SILVERMAN:** OKAY. THAT'S WHAT I'M ASKING.

16

17 **MR. GONZALEZ:** YEAH, THE REASON FOR TRYING TO GET THIS PROJECT
18 IN THE FALL, IN EARLY FALL IS SO THAT WE CAN DO ALL OF THE,
19 YOU KNOW, START WITH THE EXCAVATION AND START THE WORK ON THE
20 BRIDGE BECAUSE DURING THE WINTER WE WILL NOT BE ABLE TO DO TOO
21 MUCH DIRT WORK BUT IF WE HAVE SOME OF THE WORK ON THE BRIDGE
22 AND WITH OUT OF THE GROUND, WE WILL BE ABLE TO PROCEED ON A
23 PACE THAT IS REFLECTED IN WHAT WE HAD TRANSMITTED TO YOU.

24

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1 **COUNCILMEMBER SILVERMAN:** OKAY. EXPLAIN A BIT MORE, IF YOU
2 WOULD, EDGAR, ON THIS MEMO WHICH CAME FROM WHERE, SINCE IT HAS
3 NO NAME ON IT.

4

5 **COUNCILMEMBER PRAISNER:** EDGAR AND ART.

6

7 **MR. GONZALEZ:** IT'S THE INCOGNITO MEMO, YEAH. THIS IS -- THESE
8 ARE ISSUES THAT WERE PREPARED FOR COUNCIL MEMBERS --

9

10 **COUNCILMEMBER SILVERMAN:** IT LOOKS VAGUELY FAMILIAR. OKAY. JUST
11 CHECKING ON OWNERSHIP.

12

13 **MR. GONZALEZ:** THAT'S BEEN UPDATED.

14

15 **COUNCILMEMBER SILVERMAN:** ALL RIGHT. THEN UPDATE IT. SO GO --
16 WHAT I WANT TO UNDERSTAND IS THE CONSEQUENCES OF THIS DELAY IN
17 TERMS OF COSTS OF THE PROJECT, EITHER IN TERM OF LAND
18 ACQUISITION OR CONSTRUCTION COSTS.

19

20 **MR. GONZALEZ:** OKAY. DURING MY PRESENTATION I ESTIMATED AN
21 INCREASE IN COST OF ABOUT \$1.8 MILLION. \$640,000 OR
22 THEREABOUTS, \$645,000 IN RIGHT-OF-WAY ACQUISITION IF WE DELAY
23 THE ACQUISITION BY ONE YEAR. THAT'S ASSUMING A 15% INCREASE IN
24 LAND COST. WE HAVE -- WHAT WE HAVE HAD IN THE COUNTY IS 19% TO
25 20% INCREASE IN LAND COST ON AN ANNUAL BASIS. SO ASSUMING 15%,

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1 THAT'S \$645,000. AND ESCALATION, TOTAL INFLATION COST OF ABOUT
2 4% FOR THE ESTIMATE OF THE PROJECT, WHICH IS \$29 MILLION, THAT
3 WOULD BE 1.116 FOR A TOTAL OF \$1.8 MILLION IN ADDITIONAL COST
4 TO THE TAXPAYERS OF THE COUNTY IF WE DON'T DO IT NOW. AND
5 BELIEVE ME, THIS IS THE RIGHT CLIMATE TO BID THIS PROJECT
6 TODAY. AND THE NUMBER OF BIDDERS THAT HAVE BEEN PICKING UP THE
7 PACKAGES AND PAYING FOR THEM IS A GOOD INDICATOR. TYPICALLY WE
8 GET THREE TO FIVE BIDDERS. THERE HAVE BEEN 20 THAT HAVE PICKED
9 UP THE BID PACKAGES. AND AGAIN, IT'S BECAUSE OF THE
10 UNCERTAINTY ON THE REAUTHORIZATION BILL, THE SAFETY OR
11 [INAUDIBLE]. THE STATE HAS NO, YOU KNOW, WHAT IS GOING TO
12 HAPPEN. AND SOME NEW CONTRACTORS WANT TO COME IN INTO THIS
13 COUNTY, ESTABLISH THEIR FOOT IN HERE, ESTABLISH THEIR FOOT SO
14 THAT THEY ARE IN POSITION TO BID FOR THE INTERCOUNTY CONNECTOR
15 WHEN IT COMES. WHEN THAT PROJECT COMES IT'S GOING TO BE ONE OF
16 THE LARGEST IN THE NATION. SO THEY WANT A STAKE HERE. AND IF
17 THEY CAN DO IT BY BIDDING ON OUR PROJECT WE'LL HAVE A GOOD BID.
18 IT'S WRONG TIME TO DELAY. THE WRONG TIME TO DELAY THIS PROJECT.
19 CONTRARY TO BUILDINGS, THAT'S DIFFERENT.

20
21 **COUNCILMEMBER SILVERMAN:** SO, YOU'RE BASICALLY SAYING, A, IT IS
22 GOING TO COST MORE MONEY --

23
24 **MR. GONZALEZ:** A LOT MORE.
25

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1 **COUNCILMEMBER SILVERMAN:** BECAUSE OF DELAY, B, THERE'S NO WAY
2 TO SHIFT ADDITIONAL DOLLARS OUT OF FY06 --

3

4 **MR. GONZALEZ:** CORRECT.

5

6 **COUNCILMEMBER SILVERMAN:** AND STILL KEEP THE PROJECT ON TRACK.

7

8 **MR. GONZALEZ:** CORRECT.

9

10 **COUNCILMEMBER SILVERMAN:** AND I PRESUME THIRDLY THAT WE'D BE IN
11 EXACTLY THE SAME SITUATION A YEAR FROM NOW.

12

13 **MR. GONZALEZ:** OR WORSE.

14

15 **COUNCILMEMBER SILVERMAN:** -- THAT WE'RE IN NOW IF THE GOAL IS
16 TRYING TO FIND FISCAL RESOURCES BY SHIFTING THIS AROUND.

17

18 **MR. GONZALEZ:** YES, SIR.

19

20 **COUNCILMEMBER SILVERMAN:** OKAY, THANK YOU.

21

22 **COUNCIL PRESIDENT PEREZ:** MR. LEVENTHAL?

23

24 **COUNCILMEMBER LEVENTHAL:** I'M SORRY TO GO OVER THE SAME GROUND
25 THAT'S ALREADY BEEN COVERED BUT I'M SLOW. SPELL OUT FOR ME,

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1 MARTHA, PLEASE, PLAINLY AND CLEARLY WHY MR. DENIS' PROPOSAL
2 MAKES \$5.4 MILLION AVAILABLE FOR PROPERTY TAX RELIEF.

3

4 **MARTHA LAMBORN:** WHAT MR. DENIS' PROPOSAL ACTUALLY DOES IS
5 MAKES \$5.4 MILLION THAT IS CURRENTLY ALLOCATED TO THE C.I.P.
6 IN PAYGO, THAT IS CURRENT REVENUE GIVEN TO THE C.I.P., AND
7 MAKES IT UNNECESSARY FOR IT TO BE USED IN THE C.I.P. IF YOU
8 DON'T USE IN IT C.I.P., YOU HAVE \$5.4 MILLION OF CURRENT
9 REVENUE, WHICH YOU CAN CHOOSE USE IN ANY WAY YOU CHOOSE. MR.
10 DENIS HAS RECOMMENDED TO YOU THAT IT BE USED AS PROPERTY TAX
11 RELIEF. IT WOULD BE SLIGHTLY UNDER A HALF A CENT PROPERTY TAX
12 RELIEF IF YOU CHOOSE TO GO THAT DIRECTION.

13

14 **COUNCILMEMBER LEVENTHAL:** HOW MUCH ARE WE SHIFTING FOR NINE
15 MONTHS?

16

17 **MARTHA LAMBORN:** \$5.4 MILLION. THERE REALLY IS \$5.4 MILLION
18 MOVING HERE. I MEAN THAT IS REALLY TRUE.

19

20 **COUNCILMEMBER LEVENTHAL:** BUT IT IS SIMPLY A SHIFT FROM ONE
21 YEAR TO THE NEXT?

22

23 **MARTHA LAMBORN:** CORRECT. YOU STILL HAVE TO PAY FOR BOTH NEBIL
24 STREET AND MONTROSE PARKWAY UNLESS YOU CHOOSE TO KILL THEM.

25

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1 **COUNCILMEMBER LEVENTHAL:** RIGHT. SO IT IS A DEFERRAL FOR ONE
2 YEAR.

3

4 **MARTHA LAMBORN:** THAT IS CORRECT.

5

6 **COUNCILMEMBER LEVENTHAL:** BUT IF WE USE IT TO REDUCE PROPERTY
7 TAX RATES, A PROPERTY TAX RATE CUT IS FOREVER SO WE WOULD BE
8 GAINING A ONE-TIME FREEING UP OF SOME MONEY --

9

10 **MARTHA LAMBORN:** THAT'S CORRECT.

11

12 **COUNCILMEMBER LEVENTHAL:** BUT IF WE REDUCE RATES WE WOULD
13 PERMANENTLY DEPRIVING OURSELVES OF REVENUE FOR MANY, MANY
14 YEARS. IS THAT CORRECT?

15

16 **MARTHA LAMBORN:** YOU COULD, IF YOU REDUCE THE TAX RATE, EACH
17 YEAR YOU HAVE A TAX RATE DISCUSSION.

18

19 **COUNCILMEMBER LEVENTHAL:** WE DO. BUT WE DON'T OFTEN RAISE THE
20 RATE. I MEAN WE HAVE BUT NOT SINCE I'VE BEEN HERE.

21

22 **MARTHA LAMBORN:** YOU WOULD FACE NEXT YEAR --

23

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1 **COUNCILMEMBER LEVENTHAL:** BUT WHEN WE HAVE OUR TAX RATE
2 DISCUSSION EACH YEAR WE START AT THE RATE THAT WE WERE AT THE
3 PREVIOUS YEAR. SURE, MIKE, GO AHEAD.

4

5 **COUNCILMEMBER SUBIN:** YEAH, IN SUPPORT OF MR. LEVENTHAL'S
6 QUESTION, FORGIVE ME FROM BEING SLOW, TOO. BUT IF YOU MOVE THE
7 MONEY FROM PROJECT A TO PROJECT B, HOW IS IT DISSIPATING?
8 WE'RE NOT TALKING ABOUT SIMPLY DON'T DO A IN THE C.I.P. WE'RE
9 SAYING DO B -- OR WHAT THE RESOLUTION IS SAYING IS DO B
10 INSTEAD OF A.

11

12 **COUNCILMEMBER PRAISNER:** BUT YOU WOULD REPLACE THE CURRENT
13 REVENUE WITH IMPACT TAX FUNDS. THAT IS WHAT -- WHAT MR. DENIS
14 IS PROPOSING IS TAKING A PROJECT THAT WOULD BE FUNDED WITH
15 CURRENT REVENUE AND USING THE IMPACT TAX MONEY THAT WOULD HAVE
16 BEEN SPENT ON MONTROSE PARKWAY THIS YEAR AND --

17

18 **COUNCILMEMBER SUBIN:** BUT YOU'RE SPENDING IT ANYWAY. SO HOW
19 DOES IT REDUCE --

20

21 **COUNCILMEMBER PRAISNER:** BECAUSE YOU'RE NOT USING THE CURRENT
22 REVENUE THAT YOU WOULD HAVE USED FOR THAT PROJECT B. YOU TAKE
23 B AND YOU SPEND THE MONEY IN IMPACT TAX THAT WAS AVAILABLE FOR
24 MONTROSE PARKWAY AND YOU USE IT FOR THAT AND YOU -- IN HIS
25 PROPOSAL, ELIMINATE THE NEED FOR CURRENT REVENUE FUNDING OF

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1 THAT, THEREBY ASKING WHAT DO YOU DO WITH THAT CURRENT REVENUE
2 AMOUNT.

3

4 **COUNCILMEMBER SUBIN:** RIGHT. BUT, BUT THE -- BUT I DON'T HEAR
5 IN THE RESOLUTION THAT YOU DON'T SPEND THAT MONEY; THAT IT'S
6 SIMPLY GOING TO BE SHIFT -- THE CURRENT REVENUE IS SIMPLY
7 GOING TO BE SHIFTED SOMEWHERE ELSE. YOU HAVE A LOT OF SHIFTING
8 AROUND HERE BUT I THINK WHAT GEORGE ISN'T UNDERSTANDING IS
9 WHAT I'M NOT UNDERSTANDING, IS HOW AT THE END OF ALL THIS
10 SHIFTING AROUND IS LESS MONEY BEING SPENT? YOU'VE PUT
11 DIFFERENT LABELS ON IT. IS THAT GEORGE'S -- IS THAT --

12

13 **COUNCILMEMBER LEVENTHAL:** IT DOES SOUND TO ME LIKE WE'RE
14 SPENDING THE MONEY TWICE.

15

16 **COUNCILMEMBER FLOREEN:** IF I MAY MAKE A COMMENT?

17

18 **COUNCILMEMBER LEVENTHAL:** WE'RE SPENDING IT ON TAX RELIEF AND
19 WE'RE SPENDING IT ON THE MONTROSE PARKWAY.

20

21 **COUNCILMEMBER SUBIN:** RIGHT.

22

23 **COUNCILMEMBER FLOREEN:** THE IDEA IS BASICALLY THAT YOU'RE
24 SHIFTING MONEY FROM IMPACT TAX INTO THE G.O. BOND CATEGORY IN
25 NEBIL STREET AND THAT THAT MONEY THEN REPLACES THE PAYGO MONEY.

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1 BASICALLY, THE PAYGO ASSOCIATED WITH THAT DISAPPEARS. IF YOU -
2 -

3

4 **MARTHA LAMBORN:** I THINK WHAT MR. LEVENTHAL NEEDS TO DO --

5

6 **COUNCILMEMBER FLOREEN:** AND THAT'S THE PAGE THAT WE DON'T HAVE,
7 THAT HAS THE PAYGO LIST OF WHAT MONEY IS AVAILABLE.

8

9 **MARTHA LAMBORN:** THERE IS ALMOST \$15 MILLION UNALLOCATED IN
10 FISCAL '06.

11

12 **COUNCILMEMBER FLOREEN:** NOW, THAT ASSUMES THAT WE DON'T ADD TO
13 THE C.I.P.

14

15 **MARTHA LAMBORN:** THAT'S CORRECT.

16

17 **COUNCILMEMBER FLOREEN:** WE HAVEN'T FINISHED, OF COURSE, THE
18 TRANSPORTATION AND ENVIRONMENT COMMITTEE'S RECOMMENDATIONS
19 TODAY.

20

21 **MARTHA LAMBORN:** WELL, IF YOU ADD TO THE C.I.P. --

22

23 **COUNCILMEMBER LEVENTHAL:** OR THE H.H.S. COMMITTEE'S --

24

25 **COUNCILMEMBER FLOREEN:** OR ANYBODY ELSE'S --

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1

2 **COUNCILMEMBER LEVENTHAL:** WE HAVE A COUPLE ITEMS THAT WE'VE
3 MOVED TO G.O. BONDS.

4

5 **COUNCILMEMBER FLOREEN:** SO, THAT ASSUMES THE C.I.P. IS STATIC.

6

7 **MARTHA LAMBORN:** THAT'S -- OR THAT GLENN IS A MAGICIAN.

8

9 **COUNCILMEMBER FLOREEN:** WELL, WE KNOW HE IS. OR THAT CURRENT
10 C.I.P. ITEMS MIGHT NOT HAVE INCREASED COSTS, LIKE STEEL.

11

12 **MARTHA LAMBORN:** THAT'S CORRECT. RIGHT.

13

14 **COUNCIL PRESIDENT PEREZ:** OKAY. MR. LEVENTHAL DID HAVE THE
15 FLOOR. ARE YOU THROUGH, MR. LEVENTHAL?

16

17 **MARTHA LAMBORN:** I THINK I CAN HELP YOU WITH THIS. IF YOU TAKE
18 THE PACKET THAT STARTS WITH MONTROSE PARKWAY THAT GLENN PASSED
19 OUT.

20

21 **COUNCILMEMBER LEVENTHAL:** YEAH, I'M DROWNING IN PAPER. I THINK
22 THE COUNCIL PRESIDENT SWIPED MY COPY.

23

24 **COUNCILMEMBER FLOREEN:** THE ONE WITH HANDWRITING ALL OVER IT.

25

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1 **COUNCILMEMBER LEVENTHAL:** THE ONE WITH HANDWRITING, YEP. OKAY.

2

3 **MARTHA LAMBORN:** IF YOU LOOK IN '06, IN EXPENDITURES, THE FIRST
4 THING YOU GOT TO DO IN ORDER TO FREE MONEY IS YOU HAVE TO
5 REDUCE EXPENDITURES.

6

7 **COUNCILMEMBER LEVENTHAL:** OKAY.

8

9 **MARTHA LAMBORN:** SO IN FISCAL '06 EXPENDITURES HAVE BEEN
10 REDUCED FROM \$5.9 MILLION --

11

12 **COUNCILMEMBER LEVENTHAL:** YES.

13

14 **MARTHA LAMBORN:** TO HALF A MILLION.

15

16 **COUNCILMEMBER LEVENTHAL:** YES.

17

18 **MARTHA LAMBORN:** NOW, YOU'LL NOTICE, STILL IN EXPENDITURES ON
19 THE LEFT, THE TOTAL SIDE STAYED THE SAME. SO WHAT HAPPENED IS,
20 THOSE EXPENDITURES MOVED OUT INTO THE LATER YEARS.

21

22 **COUNCILMEMBER LEVENTHAL:** RIGHT, OKAY.

23

24 **SPEAKER:** OKAY. NOW, HOW DID WE FUND THE \$5.9 AND HOW DO WE
25 FUND THE \$500,000 IS WHAT YOU NEED TO KNOW NEXT. WE HAVE,

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1 RIGHT NOW, IN THE PROJECT ABOUT \$1.9 MILLION OF BONDS. THAT
2 WOULD BE REDUCED TO HALF A MILLION. WE HAVE IN THE PROJECT
3 ALSO FOR '06 \$4 MILLION OF -- I'M SORRY, IMPACT TAX, WHICH
4 WOULD NOT BE NECESSARY IF YOUR SPENDING IS PLANNED IN THIS
5 FASHION. SO THEN YOUR QUESTION IS, WHAT DO I DO WITH THE BONDS
6 THAT AREN'T NECESSARY AND THE IMPACT TAX, WHICH IS NOT
7 NECESSARY. THE ANSWER, AS GLENN HAS PUT IN IT FRONT OF YOU IS,
8 ON NEBIL STREET, INSTEAD OF SPENDING \$4 MILLION IN BONDS, THAT
9 IS WHAT THE CURRENT PLAN IS, WE INSTEAD SPEND \$4 MILLION IN
10 IMPACT TAX. WE REDUCE THE NUMBER OF BONDS NECESSARY THERE.
11 REMEMBER, WE'VE ALREADY REDUCED THE NUMBER OF BONDS NECESSARY
12 ALSO IN MONTROSE PARKWAY. SO, IN THE END YOU HAVE REDUCED \$5.4
13 MILLION WORTH OF BOND NEED IN FISCAL '06. INSTEAD OF PAYING
14 WITH BONDS, GLENN'S OR MR. DENIS' ASSUMPTION IS THAT WE WOULD
15 PAY WITH CASH, WHICH IS A PERFECTLY FINE ASSUMPTION. IT CAN BE
16 DONE. WE HAVE THE CASH TO DO THAT. YOU LOSE THE CASH BECAUSE
17 YOU DON'T NEED THE BONDS AND THERE YOU HAVE IT.

18

19 **COUNCILMEMBER LEVENTHAL:** OKAY. GLENN YOU'VE NEVER BEEN SHY
20 ABOUT OFFERING STAFF'S OPINION. IS THIS A GOOD IDEA?

21

22 **MR. ORLIN:** I WOULD RECOMMEND AGAINST IT. NOT BECAUSE OF THE
23 FISCAL PART. THE FISCAL PART WORKS. IT'S HAVING TO DO WITH THE
24 POLICY OF WHETHER TO DELAY THE PROJECT OR NOT. I THINK, I
25 REALLY MORE OR LESS AGREE WITH THE DEPARTMENT'S POSITION ABOUT

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1 HOW THE PROJECT I THINK -- EVEN IF THE STATE'S PROJECT DOESN'T
2 GET ACCELERATED I'M STILL A LITTLE OPTIMISTIC. THERE'S A
3 CHANCE OF THAT HAPPENING, THAT IT STILL HAS INDEPENDENT
4 UTILITY, THAT BUILDING IN MONTROSE PARKWAY ONLY AS FAR EAST AS
5 EAST AS THE EAST JEFFERSON STREET OR MAYBE A BIT BEYOND STILL
6 HAS UTILITY IN THAT IT FREES UP CONGESTION ON EAST JEFFERSON
7 STREET AND MONTROSE ROAD, MONTROSE ROAD AND TILDEN WOOD DRIVE,
8 BOTH OF WHICH ARE CONGESTED INTERSECTIONS TODAY. I ALSO THINK
9 IT PUTS PROJECT IN A DIFFICULT POSITION BECAUSE YOU'LL BE IN
10 THIS PLACE, BASICALLY IN THE SAME PLACE YOU ARE NOW NEXT YEAR.
11 AND NEXT YEAR IS A TOUGHER YEAR.

12
13 **COUNCILMEMBER LEVENTHAL:** DO YOU AGREE WITH WHAT EDGAR SAID
14 ABOUT COST OF LAND?

15
16 **MR. ORLIN:** I THINK I'IS RIGHT.

17
18 **COUNCILMEMBER LEVENTHAL:** IS THERE ANY WAY TO FACILITATE THE
19 QUICK-TAKE WITHIN MR. DENIS' PROPOSAL? COULD YOU DO THE QUICK-
20 TAKE NOW AND DELAY THE REST OF THE PROJECT?

21
22 **MR. HOLMES:** OUR SCHEDULE IS ACCELERATED SO THAT WE CAN GET TO
23 A CONSTRUCTION DATE -- SO WE CAN GET TO A CONSTRUCTION DATE IN
24 SEPTEMBER. I DON'T THINK YOU CAN DO IT ANY FASTER.

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1 **MR. GONZALEZ:** IF YOU OBTAIN THE LAND THAT WE NEED, IT'S
2 SHOWING \$2 MILLION SO THE REDUCTION WOULDN'T BE \$5.4. THE
3 MAXIMUM IT WOULD BE \$3.4, NUMBER ONE. NUMBER TWO, THINK OF IT
4 THIS WAY ALSO. YOU'RE DEFERRING \$5.4 MILLION AT A COST OF \$1.8
5 MILLION. THAT IS A 17% RATE OF INTEREST. I'LL BET YOU ANY
6 BANKER WOULD BE HERE KNOCKING ON YOUR DOORS AND GIVE YOU SOME
7 -- [OVERLAPPING VOICES]

8

9 **SPEAKER:** SOME MIGHT CALL IT PREDATORY.

10

11 **COUNCIL PRESIDENT PEREZ:** THEY LEFT THE COUNTY, EDGAR. THERE'S
12 NOBODY TO HELP US.

13

14 **COUNCILMEMBER LEVENTHAL:** YOU MIGHT CALL THAT A PREDATORY RATE.

15

16 **MR. ORLIN:** ONE OF THE THINGS, MR. LEVENTHAL, ONE OF THE THINGS
17 THAT COULD BE DONE, AGAIN, AN IMPORTANT PART OF MR. DENIS'
18 PROPOSAL, IS THAT HE'S NOT RECOMMENDING DISAPPROPRIATING THE
19 PROJECT. THE EXECUTIVE HAS THE AUTHORITY TO GO FORWARD WITH
20 THE PROJECT. WHAT O.M.B. WOULD TYPICALLY DO, AND MARTHA,
21 CORRECT ME IF I'M WRONG, IS THEY WOULDN'T LET THE DEPARTMENT
22 GO AHEAD AUTOMATICALLY AND BID THE PROJECT OUT IF THIS MONEY
23 IS MOVING THIS WAY. THEY'D BASICALLY SAY THE MONEY IS NOT
24 THERE. BUT, IF THE DEPARTMENT WERE ABLE TO SHOW THAT A HOST OF
25 OTHER PROJECTS THAT ARE PROGRAMMED AT A CERTAIN RATE COULD NOT

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1 GO FORWARD FOR VARIOUS REASONS, THEY MIGHT FEEL OTHERWISE. BUT
2 IT'S -- BUT I'D MORE OR LESS AGREE WITH MARTHA. I THINK IT'S
3 SORT OF A BUDGET GAME TO DO THAT. I THINK IT'S --

4

5 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

6

7 **MR. ORLIN:** I THINK WHAT YOU SHOULD DO IS, IF YOU AGREE WITH MR.
8 DENIS' PROPOSAL, ASSUME THE PROJECT WOULD START PROBABLY IN
9 MAY OR JUNE OF NEXT YEAR, AS WITH AN EIGHT OR NINE-MONTH DELAY
10 FROM WHAT THE CURRENT SCHEDULE IS.

11

12 **COUNCIL PRESIDENT PEREZ:** OKAY. MS. PRAISNER HAS HAD HER LIGHT
13 ON FOR QUITE A WHILE.

14

15 **COUNCILMEMBER PRAISNER:** THANK YOU. I HAVE -- ACTUALLY I HAVE
16 PROBLEMS NOT WITH LOOKING AT THE TIMING ISSUES AND THE
17 CONSTRUCTION ISSUES, MAYBE BECAUSE I SIT ON M.F.P. NOT T&E,
18 BUT MY PROBLEM IS RELATED TO THE IMPACT TAX, WHICH I THINK WE
19 NEED TO -- AND I'VE ALREADY HAD CONVERSATIONS ASKING FOLKS TO
20 COME BACK IN AND TALK WITH US ABOUT PROJECTIONS ON INCOME TAX
21 REVENUES AND ALSO THE LOCATION OF THAT INCOME TAX REVENUE. AS
22 YOU -- IMPACT TAX. IMPACT TAX MONEY MAY BE COMING IN ON
23 SCHEDULE BUT IT'S COMING IN FROM CLARKSBURG. IT'S NOT COMING
24 IN FROM THE REST OF THE COUNTY. THIS IS A PROJECT THAT MAY
25 GOBBLE UP ALL OF THE MONEY THAT IS IMPACT TAX MONEY, WHENEVER

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1 IT IS. OR IT MAY HAVE A PROBLEM WITH IMPACT TAX MONEY AT THE
2 POINT THAT WE SCHEDULING TO DO IT. SO, WE'VE RESERVED MOST, IF
3 NOT ALL OF THE NON-CLARKSBURG IMPACT TAX MONEY BECAUSE WE
4 LEGALLY CAN'T TOUCH THE CLARKSBURG IMPACT TAX MONEY ANYWHERE
5 ELSE. WE'VE RESERVED IT ALL FOR THE MONTROSE PARKWAY. THE MORE
6 WE INCREASE THE COST OR DELAY IN THAT ISSUE, THE MORE THE
7 ISSUE OF HOW MUCH IMPACT TAX WILL BE AVAILABLE AND ITS IMPACT
8 ON OTHER PROJECTS, WHICH FOLKS MAY HAVE A CONCERN ABOUT. I
9 DON'T THINK O.M.B. CAN SUGGEST THAT YOU CAN GO FORWARD. I'D BE
10 WORRIED ABOUT WHAT THEY MIGHT DEMONSTRATE OR THE OTHER
11 PROJECTS THEY WOULD EITHER INTENTIONALLY OR UNINTENTIONALLY
12 SEE A SLOWDOWN ON. AN I THINK THERE MIGHT BE -- NEED TO BE AN
13 INTENTIONAL SLOWDOWN IN ORDER TO MAKE THIS PROJECT WORK. AND
14 I'D HAVE A PROBLEM WITH THAT. THE OTHER ISSUE IS ONE OF HOW
15 MUCH CURRENT REVENUE IS THERE IN OUR BUDGET. AND I KNOW IT'S
16 AN ISSUE OF CURRENT REVENUE BEING BOTH BOND-ELIGIBLE PROJECTS
17 AND NON-BOND-ELIGIBLE. I ALSO THINK THERE IS AN ISSUE OF HOW
18 MUCH CURRENT REVENUE FOR BOND-ELIGIBLE PROJECTS WE HAVE
19 UNCOMMITTED AS WE START A YEAR. WHETHER IT IS INCREASED COSTS
20 AND -- OR IT IS JUST THE BOND RATING AGENCIES' DESIRES TO SEE
21 CURRENT REVENUE OR A NICE AMOUNT OF CURRENT REVENUE. I THINK I
22 LAST HEARD THAT BALTIMORE COUNTY HAD ABOUT, WHAT, \$90 MILLION
23 IN CURRENT REVENUE IN THEIR PROGRAM BUDGET FOR A YEAR, NOT ALL
24 OF WHICH WAS ALLOCATED. MAYBE I'M WRONG WITH THE NUMBER BUT I
25 DO KNOW IT WAS A SIGNIFICANTLY GREATER NUMBER THAN WE'RE

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1 TALKING ABOUT. SO, I JUST THINK FROM A MANAGEMENT PERSPECTIVE
2 AND THE FLEXIBILITY AS FAR AS BOND ISSUES THAT MAY COME UP AND
3 COSTS OF THE PROJECTS, HAVING SOME FUNDS THAT ARE NOT
4 DEDICATED WITHIN THE C.I.P., LET ALONE THE DEDICATED ISSUES IS
5 SOMETHING TO START THE YEAR WITH. FINALLY, WHILE I AM, I THINK,
6 A STRONG PROPONENT OF TAX RELIEF, STARTING AT THIS POINT IN
7 THE PROCESS WITHOUT A RESOLUTION THAT COMMITS THAT TO TAX
8 RELIEF IS MAKING AN ASSUMPTION OF ONE WITHOUT THE ACTION ON
9 THE OTHER. AND I THINK THAT THAT BECOMES A PROBLEM ASSOCIATED
10 WITH THIS. WE CAN ALWAYS LOOK AT THE SCHEDULING OF PROJECTS
11 FROM A STANDPOINT OF WHEN YOU ASSIGN THE DOLLAR AMOUNTS AND I
12 THINK THAT WAS MR. SILVERMAN'S POINT ABOUT PAYING THE BILLS
13 JUNE 1ST OR JULY -- JULY 1ST OR JULY 30TH FROM A STANDPOINT OF
14 MAKING THE FISCAL YEAR WORK DOLLARS-WISE IN OUR C.I.P. -- SIX-
15 YEAR C.I.P. BUT TO START OUT PACKAGING THIS ALTOGETHER, IT'S
16 VERY TEMPTING FROM A TAX RELIEF PERSPECTIVE BUT I DON'T THINK
17 IT GETS YOU WHAT THE GOAL IS. AND I'M AFRAID THAT IT DOES HAVE
18 AN ELEMENT OF -- A QUESTION OF THE FISCAL RESPONSIBILITY
19 APPROACH THAT WE'RE TALKING ABOUT.

20
21 **COUNCIL PRESIDENT PEREZ:** MR. SUBIN?

22
23 **COUNCILMEMBER SUBIN:** THANK YOU. FIRST OF ALL, I THINK EDGAR IS
24 ABSOLUTELY RIGHT IN TERMS OF THE IMPACT OF BIDDERS ON THE
25 MARKET AND HOW MANY MAJOR PROJECTS ARE OUT THERE. THE ONLY

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1 TIME THAT I KNOW OF WHERE A DELAY IN BIDDING ON A PROJECT OR
2 NUMBER OF PROJECTS WORKED WAS ONE TIME WITH THE SCHOOL SYSTEM
3 WHEN WE REALIZED THAT THERE WERE SIMPLY TOO MANY PROJECTS OUT
4 ON THE MARKET. AND WHAT THE CONTRACTORS WERE DOING IS JUST
5 SAYING, WITH ALL THAT OUT THERE, IF YOU REALLY WANT US AND
6 REALLY WANT THIS PROJECT, WE'RE JUST GOING TO UP THE BIDS.
7 THIS ONE SEEMS TO BE JUST THE OPPOSITE SITUATION. THEY REALLY
8 WANT IN ON THIS ONE. IT IS A BIG PROJECT AND THEY WANT THE
9 LOCAL EXPERIENCE FOR WHEN THE REAL BRASS RING COMES DUE IN A
10 COUPLE OF YEARS. NOW THE OTHER ISSUE HERE, AND IKE LEGGET'S
11 APPARENTLY HANGING IN THE SHADOWS HERE SO I'M GOING TO ASK
12 THIS ONE LAST QUESTION AND STOP -- [LAUGHTER]

13

14 **COUNCILMEMBER SUBIN:** WHAT IS GOING TO BE THE IMPACT ON THE
15 ABILITY TO SELL BONDS FOR THIS IF THE REAL SOURCE OF FUNDING
16 IS PUT OUT IN FISCAL '10? CONSTRUCTION STARTS EITHER IN
17 SEPTEMBER OR MAY, WHICHEVER ONE YOU GET TO, AND YOU'RE PUTTING
18 OFF THIS \$6.4 MILLION EXPENDITURE UNTIL '10 AND YOUR '07
19 EXPENDITURE IS ONE-THIRD BELOW WHAT'S PROJECTED. YOUR '08 IS
20 SAME AND YOUR '09 IS marginally the same. WHAT HAPPENS TO THE
21 FUNDING SOURCES FOR THIS? AND HOW DO YOU MAKE IT UP, WITH
22 CURRENT REVENUES OR GENERAL OBLIGATION BONDS? AND IF THAT'S
23 THE ANSWER, WHAT FALLS BY THE WAYSIDE?

24

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1 **MARTHA LAMBORN:** TO ACTUALLY ANSWER YOUR QUESTION WOULD BE A
2 SERIOUSLY BUDGET GEEKY DISCUSSION. ON THE BOTTOM LINE --

3

4 **SPEAKER:** WE LIVE FOR THIS.

5

6 **COUNCILMEMBER SUBIN:** WELL, BUT I THINK -- BUT MARTHA, YES, IT
7 WOULD.

8

9 **MARTHA LAMBORN:** IT'S PART OF YOUR CHARM.

10

11 **COUNCILMEMBER SUBIN:** AND I KNOW THAT YOU COULD PROBABLY ANSWER
12 THAT IT BETTER THAN ANYBODY ELSE IN THIS ROOM. BUT THE FACT
13 THAT YOU SAID THAT GIVES ME PAUSE TO SAY YOU DON'T KNOW WHERE
14 THE FUNDS ARE. YOU CAN'T SPECULATE WHERE THE FUNDS ARE NOW.
15 AND IF THEY'RE THERE, WHAT'S GOING TO HAVE TO GO BY THE
16 WAYSIDE?

17

18 **MARTHA LAMBORN:** NO, NOTHING WILL HAVE TO GO BY THE WAYSIDE. IF
19 THE COUNCIL DOES THIS SCHEDULE IT WILL DO SERIOUS HARM TO THE
20 IMPLEMENTATION OF THE PROJECT. IT WILL HAVE ALL THE OTHER
21 IMPACTS THAT PEOPLE HAVE SPOKEN OF. BUT WE DO NOT ISSUE BONDS
22 -- WE HAVE A LIMIT OF \$200 MILLION-ISH DOLLARS. WE DON'T ISSUE
23 BONDS BEFORE WE START ANY PROJECTS. WE ISSUE THEM ONCE A YEAR
24 AND THEY TAKE OUT SHORT-TERM FINANCING, WHICH WE HAVE USED ALL
25 ALONG.

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1

2 **COUNCILMEMBER SUBIN:** ALL RIGHT. BUT MY QUESTION IS, IF THIS
3 IMPACT TAX MONEY HAS GONE TO ANOTHER PROJECT AND THAT SOURCE
4 OF FUNDING IS GONE --

5

6 **MARTHA LAMBORN:** I SEE.

7

8 **COUNCILMEMBER SUBIN:** THEN THE ONLY TWO SOURCES OF FUNDING LEFT
9 ARE CURRENT REVENUES, YOUR PAYGO --

10

11 **MARTHA LAMBORN:** THAT'S CORRECT.

12

13 **COUNCILMEMBER SUBIN:** OR -- AND SO THAT AFFECTS THE OPERATING
14 BUDGET OR BONDS AND IF YOU HAVE A LIMIT --

15

16 **MARTHA LAMBORN:** THAT'S CORRECT.

17

18 **COUNCILMEMBER SUBIN:** THEN SOMETHING ELSE HAS TO GO.

19

20 **MARTHALAMBORN:** YES, YES.

21

22 **COUNCILMEMBER SUBIN:** AND SO, EVEN WITH ALL THE IMPLICATIONS,
23 TECHNICAL IMPLICATIONS THAT MRS. PRAISNER WAS LOOKING AT AND
24 WHAT I BELIEVE RESPECTFULLY, HOWARD, TO BE A SHELL GAME HERE,
25 THERE ARE SERIOUS CONSEQUENCES TO THE ENTIRE C.I.P. STARTING

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1 NEXT YEAR AND WE DON'T KNOW, SITTING HERE TODAY, WHAT THEY
2 WOULD BE.

3

4 **COUNCIL PRESIDENT PEREZ:** MR. DENIS?

5

6 **COUNCILMEMBER DENIS:** IT'S ALSO FATTENING. AND WHAT ELSE CAN BE
7 WRONG WITH IT? [LAUGHTER]

8

9 **COUNCILMEMBER FLOREEN:** IS THAT A CONSENSUS, MR. DENIS?

10

11 **COUNCILMEMBER DENIS:** NO, I SEE THE HANDWRITING ON THE WALL.
12 AND THERE'S NO REASON TO PROLONG THIS. WHETHER IT'S A REPORT
13 FROM THE HEARING EXAMINER AS WE HAD THIS MORNING --
14 [LAUGHTER]

15

16 **COUNCILMEMBER DENIS:** I MIGHT MAKE ANOTHER ACTION. BUT I WOULD
17 LIKE TO SEE THIS PROCEED TO A VOTE SOONER RATHER THAN LATER.
18 BUT JUST LET ME MAKE A COUPLE OF OBSERVATIONS. GENERAL HOLMES,
19 I THINK NOW YOU CAN SEE WHY I WAS SOMEWHAT SELECTIVE IN WHO I
20 SHARED MY IDEA WITH LAST WEEK OR SO BECAUSE I DIDN'T WANT TO
21 LASH MYSELF TO GLENN ORLIN FOR A WEEK. BUT THAT WOULD HAVE
22 BEEN A BIT MUCH. AND IT -- BASICALLY I PLAYED THE GAME OF WHAT
23 IF. YOU KNOW, HOW CAN WE GET TO THE MAXIMUM AMOUNT OF PROPERTY
24 TAX RELIEF? WHAT WILL WE HAVE TO DO AND WHAT COULD WE CUT AND
25 WHAT WOULD HAPPEN IF WE DID THIS? AND I DIDN'T MAKE UP THE

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1 NUMBER \$5.4 MILLION. I SAID WHAT IF WE DELAY THIS FOR
2 BASICALLY NINE MONTHS SINCE THE COMMITTEE IS DELAYING IT FOR
3 THREE MONTHS?

4

5 **COUNCILMEMBER FLOREEN:** WE'RE NOT DOING --

6

7 **COUNCILMEMBER DENIS:** OR DEFERRING, DEFERRING BY THREE MONTHS,
8 IF WE DEFERRED IT BY BASICALLY ANOTHER -- HOW MUCH WOULD BE
9 SAVED? AND AFTER ALL THE DOMINOES WERE -- HIT ONE ANOTHER,
10 CAME UP WITH \$5.4 MILLION. AND IT DID FLUCTUATE IN THE
11 DISCUSSIONS WE HAD, WHICH IS ANOTHER REASON I FELT IT MAY NOT
12 HAVE BEEN RIGHT TO TALK TO PEOPLE BECAUSE IT WAS \$5.3 MILLION,
13 \$5.1 MILLION, WHATEVER IT MAY BE. WE HAD NEBIL STREET. WE HAD
14 ANOTHER STREET THAT WE WERE THINKING ABOUT. I WAS TRYING TO BE
15 CREATIVE, AS WE'VE BEEN ASKED TO BE, IN TRYING TO COME UP WITH
16 A SAVINGS FOR THE -- WHAT I THINK IS IMPORTANT. AND THE
17 RHETORIC THAT WE'VE HEARD, THE STATEMENTS -- WITHOUT THE
18 PEJORATIVE OF CALLING IT RHETORIC, I MEAN WE'VE BEEN ASKED TO
19 TRY TO IDENTIFY THINGS THAT ARE REALLY IMPORTANT, THINGS THAT
20 ARE ABSOLUTELY NECESSARY AND TO DISTINGUISH BETWEEN THE THINGS
21 THAT WE ABSOLUTELY NEED AND THE THINGS THAT WE DON'T
22 ABSOLUTELY NEED RIGHT NOW AND WHAT IS THE CONSEQUENCE OF
23 DELAYING. AND SO I THOUGHT THAT THIS WAS A LEGITIMATE ITEM FOR
24 DISCUSSION IN VIEW OF THE OPPORTUNITY TO PROVIDE A MORE
25 SIGNIFICANT TAX RELIEF THAN IS PRESENTLY ON THE TABLE, SINCE I

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1 BELIEVE IN SPECIFICS, NOT JUST GENERALITIES OF WHAT WE SHOULD
2 DO BUT SPECIFICS. YOU CAN ALWAYS PLUCK A NUMBER OUT. CUT THE
3 TAX RATE 7%, 6%, 5%. THAT'S EASY. THAT'S THE FICKER GAME. BUT
4 WHERE IT BECOMES HARD, ALL YOU HAVE TO DO IS READ HIS ADS IN
5 THE WASHINGTON POST EVERY THURSDAY IN THE WEEKLY. AND
6 SOMETIMES I THINK WE'VE HEARD AN UPDOWN VERSION OF THAT SOME
7 PLACES CLOSE TO HERE, THAT YOU JUST PLUCK A NUMBER OUT OF THE
8 AIR AND, OH, YOU COME ONE THE SPECIFICS. AND IF WE LIKE IT --
9 PROBABLY ANYTHING YOU COME UP WITH, IT SEEMS TO BE IF IT'S A
10 \$20,000 ITEM OR \$5.4 MILLION ITEM, WELL, THERE'S SOMETHING
11 WRONG WITH IT. SO THAT'S, I THINK THAT'S AN OVERALL PROBLEM. I
12 REALIZE THAT I RAN THE RISK OF BEING MISUNDERSTOOD WHEN I PUT
13 THIS OPTION ON THE TABLE. AND I WAS CORRECT IN THAT, FOLLOWING
14 ON MR. SUBIN'S COMMENTS. AND I APPRECIATE HIS COMMENTS VERY
15 MUCH AND I HOPE THE NEXT TIME THAT I SPEAK TO A MEETING IN THE
16 AFFECTED COMMUNITY AND THEY SAY WHY ARE YOU SUPPORTING
17 MONTROSE PARKWAY, MR. SUBIN, MAYBE YOU CAN COME WITH ME AND
18 TELL THEM WHAT YOU SAID ABOUT WHAT THIS MOTION ACTUALLY DOES
19 AND WHAT YOU THINK IT MEANS AND THE IMPLICATION OF SUPPORTING
20 IT OR VOTING FOR IT. AND MAYBE I CAN JUST LIST THAT AS --

21

22 **COUNCILMEMBER SUBIN:** IF I CAN GO TO EXPLAIN THIS MORNING'S
23 VOTE, I'LL DO THAT TOO.

24

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1 **COUNCILMEMBER DENIS:** SO, BUT IN ANY EVENT, I APPRECIATE THE
2 SOPHISTICATION OF THE -- THE COMPLEXITY, I SHOULD SAY, OF THE
3 SUBJECT MATTER. BUT BECAUSE IT'S COMPLEX, THAT DOESN'T
4 NECESSARILY MAKE IT ANY LESS DESIRABLE. I THINK THIS CAN BE
5 FIGURED OUT. IT HAS BEEN FIGURED OUT. AND I THINK IT'S BEEN
6 EXPLAINED TO THE SATISFACTION OF POLICYMAKERS OR ANYONE WHO I
7 THINK IS FAIR-MINDED ABOUT IT. LET ME JUST SAY ONE THING,
8 WHERE I THINK THERE IS SOME TRULY UNWANTED CONFUSION AND THAT
9 IS, ON THE STATE ASPECT OF THIS. THOSE WHO ARE OPPOSING THIS
10 MOTION, YOU WERE THE ONES WHO ARE LETTING THE STATE OFF THE
11 HOOK. YOU ARE. YOU'VE SAID ALL ALONG THE STATE IS AT FAULT.
12 THIS MOTION BASICALLY AGREES WITH THAT. I'M NOT -- THIS
13 RESOLUTION DOES NOT CALL UPON THE STATE TO DO ANYTHING. THAT'S
14 BASICALLY ME SAYING SOMETHING. I WOULD LIKE TO SEE THE STATE
15 ACCELERATE ITS PART OF THE PROJECT. AS THE COUNCIL AND AS THE
16 EXECUTIVE HAS SAID AND AS WE HAVE SAID IN THIS LETTER THAT WE
17 SENT TO THE STATE, SAYING THAT THERE SHOULD BE SEAMLESS
18 COORDINATION. WHAT IN THE WORLD DOES THAT MEAN? I'M SIMPLY
19 TAKING THAT PHRASE THAT WE SIGNED OUR NAMES TO, OR AT LEAST MR.
20 SILVERMAN DID, AND COUNTY EXECUTIVE DUNCAN DID AND --
21 [OVERLAPPING VOICES]

22

23 **COUNCILMEMBER DENIS:** AND WE ENDORSED AND SENT TO THE STATE.
24 I'M TRYING TO BREATHE LIFE INTO THAT PHRASE, SEAMLESS
25 COORDINATION. WHY IN THE WORLD DID WE ASK THE STATE TO

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1 ACCELERATE MONTROSE EAST? THE ONLY REASON COULD HAVE BEEN THAT
2 IT IS DESIRABLE FOR THE OVERALL PROJECT. THAT'S WHY ONE SIDE
3 IS CALLED MONTROSE EAST AND THE OTHER SIDE OF THE PROJECT IS
4 CALLED MONTROSE WEST. I DON'T HAVE MUCH OF AN EXPECTATION THAT
5 THE STATE IS GOING TO ACCELERATE. I'D LIKE TO SEE THEM DO IT.
6 I'VE ASKED THEM DO IT. WE HAVE ALL ASKED THEM IN THE PAST.
7 IT'S BECAUSE THEY HAVEN'T THAT THIS RESOLUTION IS NECESSARY
8 BECAUSE THIS RESOLUTION, SHOULD IT BE ADOPTED, WOULD MAKE
9 THOSE PROJECTS CLOSER TO EACH OTHER. AND I DON'T KNOW IF IT
10 WOULD PROVIDE INCENTIVE FOR THE STATE OR NOT. THEY MAY HAVE
11 SIMPLY PUSHED IT OFF THE TABLE. BUT SINCE THE PROJECTS ARE NOT
12 GOING TO BE COORDINATED, SINCE THERE WILL BE GREATER TRAFFIC
13 BECAUSE OF THE TRUNCATED PROJECT, BECAUSE OF BUILDING THE
14 TUNNEL BASICALLY HALFWAY OR BUILDING THE BRIDGE HALFWAY IT --
15 WHY HAVE A GREATER PERIOD OF TIME WHEN THE PROJECTS ARE NOT
16 GOING TO BE COORDINATED WHEN YOU COULD HAVE A LESSER PERIOD?
17 THAT'S WHAT MY MOTION IS ALL ABOUT. AND I DON'T -- I WOULD
18 LIKE TO SEE THE STATE ACCELERATE THEIR PART OF THE PROJECT. I
19 CALLED UPON THEM TO DO IT YESTERDAY AND TODAY AND PREVIOUSLY
20 AND NOT ONLY IN THE RHETORICAL STATEMENTS BUT IN PERSONAL
21 STATEMENTS TO PEOPLE IN POSITIONS OF AUTHORITY AND MAYBE
22 OTHERS IN THE BUSINESS COMMUNITY CAN STEP UP TO THE PLATE AND
23 TALK TO THE ADMINISTRATION AND TALK TO THE STATE HIGHWAY
24 ADMINISTRATION OR TO THE MARYLAND DEPARTMENT OF TRANSPORTATION

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1 AND GET THEM TO ACCELERATE THEIR SHARE OF THE PROJECT. BUT AS
2 THE LIGHTS GO OUT... [LAUGHTER]

3

4 **COUNCILMEMBER DENIS:** I GET THE MESSAGE! OKAY. WE'RE COMING
5 BACK HERE PRETTY SOON HERE ANYWAY, SO --

6

7 **COUNCILMEMBER FLOREEN:** WE ARE NOT LEAVING.

8

9 **COUNCIL PRESIDENT PEREZ:** OH NO, WE'RE NOT GOING ANYWHERE.

10

11 **COUNCILMEMBER DENIS:** OH, THAT'S RIGHT. WE HAVE OTHER -- WE
12 MIGHT BE STAYING HERE.

13

14 **COUNCIL PRESIDENT PEREZ:** MR. KNAPP ALREADY ORDERED CHINESE FOR
15 ALL OF US.

16

17 **COUNCILMEMBER DENIS:** OKAY. IN ANY EVENT, SO, BUT I JUST WANT
18 TO ASSURE THE COUNCIL, MY COLLEAGUES, THAT I WOULD NOT WASTE
19 ANYONE'S TIME WITH A TRIFLING MOTION. THIS IS A SERIOUS MOTION.
20 IT'S AN EFFORT TO DELAY SOMETHING I THOUGHT COULD BE DELAYED
21 AND TO PROVIDE ADDITIONAL PROPERTY TAX RELIEF. I'M SORRY THAT
22 APPARENTLY IT'S GOING DOWN. TRUTHFULLY, I SAY THIS VERY
23 CANDIDLY, AS WE GET INTO THE BUDGET EVEN MORE DEEPLY, I DON'T
24 KNOW HOW WE CAN DO GRANTS AROUND HERE. I MEAN, I'M SERIOUS.

25

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1 **COUNCILMEMBER FLOREEN:** THAT'S RIGHT.

2

3 **COUNCILMEMBER DENIS:** HUMAN SERVICE GRANTS, ARTS GRANTS OR
4 ANYTHING ELSE, FOR THAT MATTER. I THINK THAT IF WE CAN'T TAKE
5 A DELAY OF THIS, ON A PROJECT OF THIS NATURE, A MULTI-YEAR
6 PROJECT, IF WE CAN'T DELAY IT ANOTHER NINE MONTHS WHEN THE
7 COMMITTEE HAS ALREADY DEFERRED THE FIRST THREE MONTHS -- THE
8 DEFERRAL IS IN THE RECOMMENDATION. IT'S NOT A DELAY. IT'S A
9 DEFERRAL. AND THAT'S WHY OTHERWISE MY DELAY WOULD BE 12 MONTHS.
10 MY DELAY IS ONLY NINE MONTHS BECAUSE OF THE COMMITTEE DEFERRAL.
11 AND, YES, I KNOW I RESPECT STAFF'S COMMITMENT TO THE PROJECT
12 AND I RESPECT THE DEPARTMENT'S COMMITMENT TO THE PROJECT. WHO
13 WOULD EXPECT ANYTHING ELSE AFTER ALL THE HISTORY THAT WE'VE
14 HAD BUT THE NUMBERS WORK. I MEAN YOU CAN VOTE AGAINST IT IF
15 YOU WILL, BUT YOU WILL BE VOTING AGAINST \$5.4 MILLION IN
16 ADDITIONAL PROPERTY TAX RELIEF.

17

18 **COUNCILMEMBER FLOREEN:** I'D LIKE TO RESPOND --

19

20 **COUNCIL PRESIDENT PEREZ:** MR. KNAPP HAS HAD HIS LIGHT ON FOR A
21 LONG TIME.

22

23 **COUNCILMEMBER FLOREEN:** I JUST LET IT ALL PASS.

24

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1 **COUNCILMEMBER KNAPP:** I JUST WANT TO THANK MR. DENIS FOR HIS
2 PROPOSAL. I CAME AT THIS, WHEN I FIRST HEARD ABOUT IT, REALLY
3 NOT SURE WHICH WAY TO GO WITH IT. BUT I THINK THE MOST
4 IMPORTANT ELEMENT THAT HE HAS DONE HERE AND HOPEFULLY WE DON'T
5 SEE THIS AS JUST A ONE-TIME OPPORTUNITY, IS HE'S REALLY BEEN
6 CREATIVE IN THINKING TO TRY AND IDENTIFY WAYS FOR US TO LOOK
7 AT ADDITIONAL REVENUE SOURCES FOR US TO MEET THE BUDGET
8 CHALLENGES THAT WE HAVE IN FRONT OF US. AND I THINK THAT THAT
9 IS A SIGNIFICANT ACTIVITY. AND WHILE THIS PROPOSAL, ONCE I
10 THINK EVERYONE HAS KIND OF GONE THROUGH IT, MAY HAVE ISSUES
11 THAT CONCERN SOME OF US. I THINK THAT IT IS A -- THE PROCESS
12 HE WENT THROUGH, I HOPE WE CONTINUE TO DO AND SO THAT WE'RE
13 STILL LOOKING AT A VARIETY OF OTHER TYPES OF THINGS OVER THE
14 COURSE OF THE NEXT WEEK SO THAT WE ARE FULLY VETTING KIND OF
15 ALL OF THE ELEMENTS IN FRONT OF US TO ENSURE THAT WE'VE KIND
16 OF -- THAT WE'VE LEFT NO STONE UNTURNED. AND SO I APPRECIATE
17 MR. DENIS' EFFORTS AND I THINK, GIVEN WHAT I'VE HEARD, THAT
18 I'M NOT SURE THIS PROJECT NECESSARILY -- OR THIS PROPOSAL IS
19 THE WAY I WOULD SEEK TO DO IT. BUT I LOOK FORWARD TO WORKING
20 WITH HIM TO IDENTIFY SOME OTHER POTENTIAL OPPORTUNITIES THAT
21 MAY GENERATE SIMILAR SOURCES.

22
23 **COUNCIL PRESIDENT PEREZ:** OKAY. MS. FLOREEN?
24

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1 **COUNCILMEMBER FLOREEN:** YES, THANK YOU. I THINK AS YOU WILL SEE,
2 MR. KNAPP, IF WE GET TO -- WELL, I'M SURE YOU'LL APPROVE THE
3 REST OF THE D.P.W.T. BUDGET AS PROPOSED, WE HAVE BEEN CREATIVE
4 THERE. AND DO I APPRECIATE MR. DENIS' EFFORTS IN THIS PART.
5 BUT I JUST HAVE TO COMMENT THAT THIS IS AN ISSUE ASSOCIATED
6 WITH PRIORITIES. AND MR. KNAPP, YOU OF ALL PEOPLE HAVE MADE
7 THAT A RESOUNDING CRY AS WE WORK THROUGH THIS. AND I THINK,
8 YOU KNOW, THIS IS A COUNTY -- AT LEAST THIS COUNCIL HAS BEEN
9 COMMITTED TO EDUCATION IN ITS BUDGET. I THINK THAT WILL BE
10 REFLECTED IN OUR VOTES. TRANSPORTATION IS AN EQUAL COMMITMENT.
11 100% OF OUR RESIDENTS ARE STUCK IN TRAFFIC ON A REGULAR BASIS.
12 AND I'M CONCERNED ABOUT THE MESSAGE THAT THIS WOULD SEND IF
13 THIS PROJECT WERE DELAYED FURTHER THAN THE REALITY. I HAVE TO
14 CORRECT THE RECORD. THE COMMITTEE DIDN'T DELAY ANY PART OF THE
15 PROJECT. WHAT WE DID WAS RECOGNIZE THAT FUNDING WAS GOING TO
16 BE REQUIRED LATER ON. AND THAT, AS WITH THE COUNTY EXECUTIVE'S
17 RECOMMENDED, SHOULD HAVE ALLOWED US TO DEFER SOME FUNDS.
18 THAT'S ALL. WE DID NOT SAY AS A POLICY MATTER THE TIMING ON
19 THIS SHOULD BE CHANGED. SO, YOU KNOW, WE ALL HAVE TO GO TO BED
20 AT NIGHT AND THINK, HAVE I FOCUSED ON MY PRIORITIES? AND I
21 THINK CERTAINLY WE NEED TO DO THAT IN TRANSPORTATION. THE
22 WHOLE EFFORT OF THE -- WHOLE EFFORT DESIGNED TO GET US CLOSER
23 TO THE CHARTER LIMIT IN THIS DEBATE -- AND LORD KNOWS IF WE'LL
24 GET THERE -- IT IS, AS THE CHAMBER'S PUT IT, OF LITTLE VALUE

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1 IF WE DON'T DELIVER BASIC CORE SERVICES. AND I THINK
2 TRANSPORTATION IS ONE OF THEM.

3

4 **COUNCIL PRESIDENT PEREZ:** MS. PRAISNER?

5

6 **COUNCILMEMBER PRAISNER:** IF WE --

7

8 **SPEAKER:** THERE'S A HORSE IN THE MIDDLE OF THE GROUND AND IT'S
9 BEEN TAKING A WHIPPING. [OVERLAPPING VOICES] [LAUGHTER]

10

11 **COUNCIL PRESIDENT PEREZ:** A HORSE?

12

13 **COUNCIL PRESIDENT PEREZ:** IT'S BEEN BEATEN TO DEATH.

14 [OVERLAPPING VOICES]

15

16 **COUNCILMEMBER PRAISNER:** I UNDERSTAND THAT.

17

18 **COUNCILMEMBER LEVENTHAL:** I NEED TO LEAVE TO GO TO THE FUNERAL.

19 [LAUGHTER]

20

21 **COUNCILMEMBER PRAISNER:** I'M SORRY. I'VE GOT TO COMMENT ON
22 SOMETHING MR. DENIS SAID, WHICH IS IF YOU REALLY WANT TO
23 INSTITUTE PERMANENT TAX RELIEF, THEN YOU NEED TO REDUCE THE
24 OBLIGATIONS IN THIS YEAR'S BUDGET FOR THE FY07 BUDGET
25 IMPLICATIONS. SO YOU HAVE TO ADDRESS THE BASE. JUST

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1 REARRANGING WHEN YOU FUND PROJECTS AND LOOKING AT THE SOURCE
2 OF FUNDING DOES NOT PROVIDE TAX RELIEF. WHAT IT DOES IS ASK
3 PEOPLE -- DIFFERENT PEOPLE TO PAY OUT OF DIFFERENT POCKETS AND
4 IT DELAYS WHEN YOU MAKE THE PAYMENT. ELIMINATE ONE OF THOSE
5 PROJECTS AND THEN YOU PROVIDE TAX RELIEF.

6
7 **COUNCIL PRESIDENT PEREZ:** OKAY, I WILL REMIND MY COLLEAGUES
8 THIS REQUIRES SIX VOTES BECAUSE IT'S A C.I.P. ITEM. I JUST
9 WANTED TO POINT THAT OUT FOR THE RECORD, FOR WHATEVER THAT'S
10 WORTH. I ACTUALLY DO -- I ACTUALLY BELIEVE THAT MR. DENIS IS
11 NOT TRYING TO DO THIS TO KILL THE MONTROSE PARKWAY. I'VE
12 SPOKEN WITH HIM A NUMBER OF TIMES. AND I SINCERELY BELIEVE
13 THAT THAT'S NOT HIS INTENTION. I'M ACTUALLY GOING TO SUPPORT
14 HIM FOR THE FOLLOWING REASON, WHICH IS THAT SEPTEMBER 21ST IS
15 THE FIRST DAY OF FALL AND I WILL BET YOU EDGAR, A LUNCH, THAT
16 YOU WILL NOT BE BREAKING GROUND BY SEPTEMBER 21ST. YOU HAVE
17 NOT EVEN FINISHED THE PUBLIC HEARINGS YET ON THIS. THERE'S
18 ANOTHER PUBLIC HEARING NEXT WEEK. AND YOU CAN'T PULL A PERMIT
19 UNTIL THE RECORD IS COMPLETE. AND WE'LL JUST MAKE A FRIENDLY
20 BET, EDGAR, THAT YOU'RE NOT GOING TO START THIS BY SEPTEMBER
21 21ST. AND YOU CAN PICK THE LUNCH PLACE -- MAYBE WE SHOULDN'T
22 BET BECAUSE OF THE SLOTS DEBATE SO I SHOULDN'T DO THIS
23 PUBLICLY.

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1 **MR. GONZALEZ:** NO, IT'S A BET, YOUR FRIENDLY BET. I CHOOSE, IF
2 YOU LOSE, I KNOW WHERE I'M GOING.

3

4 **COUNCIL PRESIDENT PEREZ:** OKAY. AND I GET TO CHOOSE AS WELL.
5 THAT'S FAIR ENOUGH. AND I WILL BET ALL OF YOU, OKAY. AND
6 THAT'S WHY I THINK TO SOME EXTENT THIS CONVERSATION MAY END UP
7 BEING MOOT BECAUSE I THINK EVENTS --

8

9 **MR. HOLMES:** EDGAR AND I MAY TAKE A SHOVEL -- [LAUGHTER]

10

11 **COUNCILMEMBER PRAISNER:** IF THEY TAKE THE SHOVEL CAN I HAVE
12 LUNCH? [LAUGHTER]

13

14 **COUNCIL PRESIDENT PEREZ:** YEAH, THAT'S RIGHT. AND SO, YOU KNOW,
15 I'VE ALSO BEEN ASKED A NUMBER OF TIMES TO REOPEN THE MONTROSE
16 PARKWAY BY FOLKS. I WASN'T HERE WHEN YOU PASSED IT --

17

18 **COUNCILMEMBER SUBIN:** DON'T LOOK AT ME!

19

20 **COUNCIL PRESIDENT PEREZ:** NO. AND I'VE DECLINED. I JUST SAY
21 THAT BECAUSE, YOU KNOW, YOU VOTED ON THAT AND WE SHOULDN'T
22 REOPEN. SO, I AGREE WITH THAT PRIOR JUDGMENT OF THE COUNCIL.
23 BUT I DON'T THINK THIS IS GOING TO HAPPEN SEPTEMBER 21ST
24 BECAUSE I THINK YOU'RE ALREADY RUNNING INTO DELAYS AND I THINK

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1 IT'S GOING TO BE MONTHS AFTER -- I THINK YOU ARE GOING TO WIN
2 THE COURT CASE --

3

4 **MR. HOLMES:** THE DELAYS THAT YOU -- WELL, IF THERE'S A COURT
5 CASE, THEN CERTAINLY NOT. BUT THE DELAY THAT YOU'RE TALKING
6 ABOUT FOR THE HEARING, THAT'S BUILT INTO WHAT WE'RE DOING.

7

8 **COUNCIL PRESIDENT PEREZ:** RIGHT. BUT YOU STILL HAVE -- THERE
9 HAS TO BE DECISIONS BEFORE YOU CAN PULL PERMITS.

10

11 **MR. HOLMES:** YES, BUT --

12

13 **COUNCIL PRESIDENT PEREZ:** OKAY, YOU KNOW WHAT? ASKED AND
14 ANSWERED. WE GOT OUR BET GOING. IT'S A FRIENDLY BET. AND YOU
15 KNOW WHAT? IT IS A NO-LOSE SITUATION BECAUSE WE GET TO CATCH
16 UP FOR LUNCH.

17

18 **MR. HOLMES:** OKAY.

19

20 **COUNCIL PRESIDENT PEREZ:** OKAY. MOTION'S BEEN MADE AND SECONDED,
21 ALL THOSE IN FAVOR SIGNIFY BY RAISING HANDS. MR. DENIS, MYSELF,
22 MR. ANDREWS ALL OPPOSED. MS. FLOREEN, MR. SUBIN, MR. SILVERMAN,
23 MR. LEVENTHAL, MS. PRAISNER, MR. KNAPP, IT FAILS 3 TO 6. WHEN
24 I SAID 6, YOU MEANT SIX THAT YOU HAD TO GET IN ORDER TO DO
25 THAT! OKAY.

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1

2 **COUNCILMEMBER FLOREEN:** WHAT DO YOU WANT TO DO ABOUT THE
3 SCHEDULED --

4

5 **COUNCIL PRESIDENT PEREZ:** OKAY. WE ACTUALLY HAVE THE REMAINDER
6 OF THE PACKET TO GET THROUGH. WE HAVE COVERED THE FIRST ITEM.

7

8 **COUNCILMEMBER FLOREEN:** WE'RE PRETTY FRESH.

9

10 **COUNCIL PRESIDENT PEREZ:** AND I KNOW -- I ACTUALLY OBTAINED
11 TOMORROW MORNING'S SCHEDULE. IT, WELL --

12

13 **COUNCILMEMBER FLOREEN:** WANT TO TAKE A BREAK?

14

15 **COUNCIL PRESIDENT PEREZ:** I MEAN, TOMORROW WE HAVE THE -- WE
16 HAVE A NUMBER OF INDIVIDUAL BUDGETS THAT ARE GOING TO GO
17 FAIRLY EXPEDITIOUSLY.

18

19 **COUNCILMEMBER FLOREEN:** WE NEED LINDA.

20

21 **COUNCIL PRESIDENT PEREZ:** PARDON ME? I MEAN I'M LOOKING AT THE
22 MORNING AGENDA AND --

23

24 **COUNCILMEMBER PRAISNER:** IT'S MOSTLY M.F.P. I THINK THEY'RE
25 PROBABLY -- THEY'RE SMALL BUDGETS. I DON'T THINK THERE'S --

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1

2 **COUNCIL PRESIDENT PEREZ:** YEAH. I MEAN, SO I MEAN MY
3 INCLINATION IS TO PERHAPS, IS IT AN UNDUE IMPOSITION TO WAIT
4 UNTIL TOMORROW TO RECONVENE PROMPTLY AT 9:15? I'M HOPING THAT
5 WE CAN FINISH UP --

6

7 **COUNCILMEMBER FLOREEN:** WE'LL DO IT AFTER WHITE GROUND BRIDGE.

8

9 **COUNCIL PRESIDENT PEREZ:** WELL, WHAT I HOPE WE COULD TO THEN IS
10 FINISH UP BY 10:30 BECAUSE I ACTUALLY THINK THAT IF WE CAN
11 FINISH -- WHAT'S YOUR ESTIMATE, GLENN, OF HOW MUCH TIME WE
12 NEED?

13

14 **MR. ORLIN:** NOON, MAYBE 11:30.

15

16 **COUNCIL PRESIDENT PEREZ:** 8:30, TOMORROW MORNING.

17

18 **SPEAKER:** EDGAR AND I ARE WORKING ON THE LUNCH THING FOR YOU.

19

20 **SPEAKER:** [SPEAKER NOT UNDERSTOOD]

21

22 **COUNCIL PRESIDENT PEREZ:** WE WILL RECONVENE AT 8:30. I THINK
23 THE MIND CAN ONLY ABSORB AS MUCH AS THE SEAT OF THE PANTS CAN
24 ENDURE. I FEEL LIKE WE ARE -- I HAVE REACHED THAT POINT. I
25 THINK THERE ARE IMPORTANT ISSUES IN THIS BUDGET THAT REQUIRE

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1 OUR UNDIVIDED ATTENTION SO WE WILL RECONVENE AT 8:30 TOMORROW
2 MORNING AND BACK HERE TONIGHT AT 7:30. THERE ARE ONLY -- I
3 BELIEVE IT IS 7:30. I BELIEVE THERE ARE SEVEN WITNESSES. SEVEN
4 TIMES THREE BEING THEORETICALLY 21 MINUTES LATER WE WOULD BE
5 FINISHED. THEORETICALLY.